

THE POLITICAL HISTORY OF ALABAMA DURING THE WAR OF SECESSION

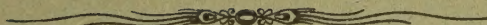
THÈSE COMPLÉMENTAIRE POUR LE DOCTORAT ÈS LETTRES

Présentée à la Faculté des Lettres de l'Université de Paris

PAR

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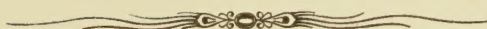
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TO
MISS ISABEL PHILLIPS



CHAPTER I

Introduction.

The purpose of the present study is to present an account of the political history of Alabama during her efforts to obtain her independence from the United States. It is, however, manifestly necessary to present something of the social and economic conditions and to trace the course of events which led to the actual secession of the State. This will be first undertaken in order to obtain a true comprehension of the transaction itself, and of the part played by the State in the civil history of the Confederacy.

Alabama was not one of the original states of the Union but was created from territory belonging to the United States government. When General Jackson entered the territory of Alabama in 1813 it was a wilderness over run by the Creek and Seminole Indians. The land was very rich, however, and offered large prospects for cotton growers. In 1817 many immigrants came into the territory

from Virginia, the Carolinas and from Georgia in search of new lands. The territory assumed an immediate prosperity and was admitted into the Union in 1819.

The early political development of Alabama followed the thought of its most prominent settlers, who came principally from the States of Virginia, North Carolina and South Carolina. The ablest of the men who framed the first State Constitution came from these states¹. The Constitution of the new State was a restatement of the general principles of American Freedom in its simplest and purest form. The political creed of the State may be said to have been constructed on the theories of Patrick Henry, Jefferson and Calhoun. So entirely had Alabama looked to other states for political leadership that it was not until 1853 that a native born citizen was elected governor².

The State was at first, primarily agricultural and contained three classes of people; the wealthier class who were for the most part large planters and slave holders; the poorer class who were practically without slaves, and lastly the negroes or sla-

1. Hannis Taylor, *Memorial Record of Alabama*, Vol. I, *Political History of Alabama*, pp. 47-8. From Virginia came C.C. Clay, Henry Chambers, Henry Minor, John W. Walker, John M. Taylor, Tomas Bibb, Arthur F. Hopkins. From North Carolina came Gabriel Moore, John Murphey, George Phillips, Israel Pickens, William R. King. From South Carolina came John Brown and Hugh McVay.

2. L. D. Miller, *History of Alabama*, p. 130.

ves. The wealthier class went to the more fertile sections of the State, such as the blackbelt and the Tennessee Valley, while the poorer class went to the less fertile sections such as the hill country of North Alabama and to the southeastern section of the State where lands were cheap. Among the wealthy we find the beginnings of an aristocracy based principally on slavery as an institution. This class was greatly in the minority but at the same time it was the element which guided the political destinies of the State. They were keen, ambitious and filled with the power of class consciousness. It became more and more realized by this class as the slavery agitation increased that the maintenance of its influence rested on slavery as a basis. Political instincts became stronger and the will to defend the existing order became determined. The Constitution of the United States provided that three fifths of the slaves should be added to the whole number of whites in reckoning the population upon which the representation in Congress should be proportioned. This added to the advantage of the ruling class.

The poorer class of people were an unfortunate nonproductive lot who were known generally in the south as « poor whites ». They were free and loved their freedom with determination. They were shut out from working for others both from their pride of freedom and because under the existing system of slavery there was little need for hired labor.

These people had a very meager existence living mainly by cultivating small patches of land. They were looked down upon by the slave-holding class and even by the slaves themselves, though they had full political independence and with the proper leadership would have been a considerable factor in the political existence of the country.

There were also many whites engaged in professional occupations, and in the minor functions of commerce. There were many people who owned only a few slaves and who did not enjoy the social distinction and influence as to entitle them to the real position of a slave owner. These were aligned, however, with the slave holders in the political questions of the times.

The growth of the population had not been creative of large cities to any extent. The State consisted largely of thinly settled agricultural communities, each living its life in more or less isolation. Travellers moved slowly and the means of transportation were few. The time of the people was largely consumed in reclaiming a new and productive land. There were to be sure culture and refinement in some parts of the State. Among the wealthy planters of the Blackbelt and the Tennessee Valley there was a knowledge of the world and of books. People of leisure, however, gave their time more to the study of politics than to the pursuit of the arts.

The system of slavery in the South made it impossible that the industrial revolution, which

was affecting to such an important extent the other parts of the States, should cause any real change in her social system. Southern society was conservative and resisted changes. The new influx of population which came from Europe found it more convenient to settle in the commercial centers of the North. The South had changed very little either in blood or political development since the foundation of the Government.

There was some hostility to slavery manifested in the early years of the State's existence but what was done was of no far-reaching importance. The first Alabama Legislature¹ in 1819 passed a law which provided for a fair trial by jury for slaves indicted for crimes above petty larceny. Further moves were made against slavery in 1827 when the legislature passed an act forbidding the importation of slaves into Alabama either for sale or for hire. These moves were evidently preliminary steps for emancipation.

In 1823, Governor Israel Pickens, in his message to the General Assembly, expressed a desire for the removal of slavery whenever a practical solution might be suggested². In 1832 there were eight emancipation societies in north Alabama³. As the State developed, however, slavery became more

1. Jesse Macy, *The anti-Slavery Crusade*, p. 35.

2. Joseph Hodgson, *Cradle of the Confederacy*, p. 217.

3. The State Society, Courtland, Lagrange, Tuscumbia, Florence, Madison County, Athens, and Lincoln.

widespread and assumed a more important economic consequence. Also, as the opposition and the propaganda at the North against slavery increased, it tended to have a reactionary effect on the South.

Slavery had received statutory and judicial recognition and no one considered that Congress could interfere with it under the Federal Constitution or that any constitutional amendment could be passed giving Congress any powers over it. The southern leaders, however, were disturbed over the territorial question of slavery in order that the slave states might not be left in a dangerous position when new free states might come into the Union and greatly outnumber the southern representatives in the Federal councils.

There was little thought of the Federal Government unless it sought to check or restrain the States power. The first serious trouble was relative to the Indian lands in 1832 in which the United States Government yielded to the demands of the Governor of Alabama ¹.

After this the « States Rights Theory » was acknowledged as a matter of course. No separate party was formed, however, since all could find their theories covered in either the Democratic or Whig party. There was no talk of secession because there

1. *Publications Southern History Association*, Vol II pp. 92-3 ; Hodgson, Chapters 2, 4, 6, 8,

was no need for such action. It seems that while always accepting « States Rights » as a matter of course the political leaders of the day wanted to act within the Union.

CHAPTER II

The Growth of Secession Sentiment.

The Historical and Constitutional rights upon which secession was executed were plain and simple to every one in Alabama. Here it was agreed that this sovereign right rested with the State alone. There were, to be sure, leaders who disapproved of secession, but their arguments were based only on the grounds of expediency. The national idea which had developed in the North had never supplanted the original theory of the constitution maintained at the South. Here opinion regarded the Constitution as an instrument of confederation and not of national consolidation. The theory maintained was that the Federal Constitution had established a government only for such purposes as the state governments could not sufficiently answer. The people of the states not as a unit nor as a centralized government but separately were considered to hold in themselves all sovereign power. One portion of power was granted to the

Union while the residue was retained by the State governments. The power that the States granted to the Union was for their benefit but as the Central Government assumed larger powers the political dissatisfaction at the South became greater. The results of this long controversy finally led to secession.

The tariff question was one of the early causes of trouble between the two sections. It was considered to be unconstitutional by the Southern States. The opinion obtaining here was that the General Government was one of specific powers, expressly granted and that these powers only and such others as might be necessary to carry them into effect could be exercised by the Federal Congress. The power to protect manufactures had not been granted by the Constitution. The advocates of protection found their right in that article of the Constitution which authorized Congress to levy and collect impost duties. This article was however for the sole purpose of raising revenue and when this clause of the Constitution became converted into an instrument for establishing the industry of one section of the country to the disadvantage of that of another, the South construed that the spirit of the Constitution had been violated. That Alabama was a sufferer from this tariff is clearly manifest from the character of her trade. She exported in order to import ; her principle staple was cotton ; her industries were undeveloped, so she relied on

a favorable exchange of her staple for the necessary commodities which she sought to obtain by competition at the lowest price. The State wanted free trade, low taxes and economy in government administration. South Carolina led the opposition to the tariff and in this she was followed by Alabama ¹.

Alabama continued to complain of the assertion of a power to levy import duties for any other purpose than revenue. She held that this power was not granted by the Constitution, had no limits and was dangerous to the State and to the Union, that it tended to heap up wealth in the hands of a few at the expense of the South. It was maintained that the manufacturing interests had organized for a systematic combination against all the other interests in the Union and that they were so formidable in their power and political influence that they constituted an evident danger to the political and material existence of the South. The opinion of the State in common with the other cotton growing states regarded this assumption of the power to lay protective tariffs as an usurpation which should not be submitted to until every constitutional means had been exhausted ².

The tariff of 1829 threw the burden upon a particular section from which the other sections were

1. Sen. Ex. Doc. No. 403, Ala. 267.

2. Ex. Doc. 20 Cong. first Ses. Vol. III No. 443.

exempt. The Southern leaders claimed that such legislation was utterly unconstitutional. While the Constitution of the United States bestowed upon Congress the power to levy taxes of all kinds and the right to regulate commerce with foreign nations, still there was the limitation that all taxation should be uniform throughout the Union. The object of this taxation was to pay the debts and to provide for the common defence and general welfare of the country. It was certainly within the rights of Congress to regulate commerce by means of duties and imposts and any way that might seem calculated to foster the general welfare of the country. However the adoption of a system which bore decidedly on one section of the country was a question which gave the Southern leaders extreme concern. Such taxation was not uniform and promoted the welfare of one section of the country to the decided detriment of the other. This grievance forced the South to fall back on the long founded doctrine of State sovereignty.

In 1832 South Carolina by an Act of her Convention legally assembled, declared that the Tariff Acts passed by Congress in 1828 and 1832 were « null void and of no value », and that no duties which would ordinarily be levied as a result of these acts should be permitted to be paid in the State of South Carolina. This action was however, not productive of similar efforts on the part of the other States, though there were influences, in all

the Southern States which were sympathetic with South Carolina. President Jackson was resolute in his determination to enforce the laws of the United States but at the last moment the Protective Tariff Party showed a spirit of conciliation so that the act of nullification was never actually put into practice.

South Carolina had expected support from other states especially from those in which the cotton interests were so important. No state however officially supported the constitutional position maintained by South Carolina, while several actually condemned the nullification still they expressed their confidence in the general Government. Alabama proposed a Convention of States where concerted action might arrive at a satisfactory conclusion. The Governor in his inaugural speech after a thorough review of the subject asserted that he believed that the Constitution did not authorize the power contended for, that if one State were allowed to nullify an Act of Congress, others would follow the example; that acts of nullification would become so frequent that the Constitution would perforce perish ¹.

South Carolina, however, was determined to act alone. The views of the President opened the way for a reconsideration. « In effecting this adjust-

1. John Bach McMaster, *History of the People of the United States*, Vol. VI, p. 68.

ment », he said, « it is due in justice to the interests of the different States and even to the preservation of the Union itself, that the protection afforded by existing laws to any branches of the national industry should not exceed what may be necessary to counteract the regulations of foreign nations and to secure a supply of those articles of manufacture essential to the national independence and safety in time of war » ¹.

Congress also showed a weakening in its protectionist policies which was due in part to a general dislike to force to a crisis the issue presented by South Carolina. Conciliations were proposed but at the same time Congress passed a Force Bill giving the President adequate powers to deal with the situation thus condemning nullification in South Carolina. However, South Carolina through her Convention declared herself satisfied with the new tariff and withdrew the nullification resolution on March 15, 1833, but in order to assert that she adhered to the idea of nullification, she declared the Force Bill passed by Congress to be null and void. This declaration was of no consequence as the President had no occasion to assert his authority in the matter ².

Another cause of grievance against the Central Government was the Indian question. Since the war

1. Carl Russell Fish, *Development of American Nationality*, p. 206.

2. *Ibid*, p. 207.

of 1812, the Government had been rapidly purchasing Indian land. The Indians however retained rich tracts in Georgia, Alabama and Mississippi, which were strongly coveted by the immigrant cotton planters. The Treaty of Indian Springs in 1825 had ceded a large portion of the lands held by the Creeks in Alabama and Georgia. President Adams had been informed that this treaty had been secured without the due consent of the Creek nation, and accordingly ordered an investigation, which led to the conclusion that the treaty had been illegally negotiated. Georgia became deeply incensed and deemed it a part of her sovereign rights to control the Indians within her borders, and resented all interference from the national Government. The Governor accordingly proceeded to abide by the treaty of Indian Springs which the President had considered as invalid. President Adams then notified the Governor that he would cause the authority of the national Government to be respected. To this the Chief Executive of Georgia replied « You are sufficiently explicit as to the means by which you propose to carry your resolution into effect. Thus the military character of the menace is established and I am at liberty to give it the defiance which it merits » ¹.

Alabama and Georgia were unaffected by the attitude of the general Government, and passed laws

1. Fish, p. 440.

for the control of the Indians within their territory. The Indians accordingly appealed to President Jackson for protection but the President informed them that they must recognize State authority. He also recommended to Congress that an Indian territory be set apart beyond the Mississippi river. In 1836 the great majority of Creeks and Cherokees were removed from Georgia and Alabama to the West of the Mississippi ⁴.

The institution of slavery while deeply rooted in the Social structure of one portion of the country and solemnly guaranteed by the Federal Constitution, was nevertheless forced to rely for its existence on national opinion. The abolitionists succeeded in giving the question of slavery a practical importance and making it a political issue. The evils of slavery were appreciated by thinkers in the South, and there had been emancipation moves by individuals and societies, and the sentiment had been reflected in several legislations, but the deep economic hold that it possessed made positive efforts of little consequence. The grave question which confronted the politicians was not so much the existence of slavery in the States where it was already established, but what should be its status in the new States which were coming into the Union. Southern people were aggressive and sought for new territories out of which to make new slave

4. Fish, p. 494.

States. These efforts were met with vigorous opposition on the part of the North and so intense was the feeling that calm judgment on both sides gave way to bitter discussions in Congress, in the Press and in the Pulpit.

Slavery became a sectional issue for the first time in Congress in 1820 when it was proposed to admit Missouri as a slave state. The result of the discussion was the admission of Missouri as a slave State but her southern boundary of 36 degrees 30 seconds was thereafter to be taken as the line between slavery and freedom in the remainder of the territory of the Louisiana purchase. North of this line slavery was to be forever prohibited.

In 1831 Willian Lloyd Garrison began his bitter crusade against slavery. The opinion against slavery in the North constantly gained ground.

The propaganda of the abolitionists greatly affected the South and there was a feeling that if it were allowed to continue the Union would be seriously threatened. The Governor of North Carolina recommended the adoption of resolutions which should invite the slave holding States to cooperate in such manner as might be necessary to ensure their safety. The State of South Carolina desired to demand of all non-slave holding States a formal and solemn disclaimer by their legislatures of the possession of any power by the State or United States Government to interfere with domestic sla-

very in South Carolina. The Governor of Alabama informed the legislature that the grand jury of Tuscaloosa County had indicted the editor of the *Emancipator* and that a copy of the indictment had been sent to the Governor of New York with a demand for the delivery of the offender to the Alabama authorities. The Governor however stated that he did not expect the delivery to be made but that the only hope of effective release was the passage by non-slave holding States of severe penal statutes¹. This was only a protest but it assumed such a formal attitude as to show the great extent to which the State objected to interference in her domestic affairs.

At the time Massachusetts passed her personal liberty laws a resolution was adopted requesting Congress to propose an amendment to the Federal Constitution apportioning representatives and direct taxes among the States according to the number of free inhabitants². Copies were sent to the legislatures of Virginia, Alabama, and Georgia and greatly excited the legislatures of these States. Virginia declared them a plan to break up the Union and as faithless to the compromises of the Constitution. Alabama looked on the resolutions as an evidence of bad faith on the part of a sister State, while Georgia declared that such an amendment would be

1. *Macmaster*, Vol. 6, p. 287.

2. *Resolution of Mass.* Chap. 60. March 23, 1842

a gross violation of the faith pledged when the Constitution was adopted ¹.

The annexation of Texas was the cause of a political struggle between the two Sections. Texas did not desire to remain an independent state. She had been settled and won by Americans who wished to join their fortunes with the United States Government. Soon after she gained her independence from the Mexican Government she made overtures to be admitted into the Union. The slavery question, however, was the obstacle. If Texas should be admitted to the Union it would add an immense territory to the slaveholding states and tremendously increase the political influence of the slave holding class. Public opinion at the north was strictly opposed to the increase of slave territory. There was too much feeling about this question to make additions to slave territory easy for Congress. President Van Buren, having read the signs of the times, refused to listen to the overtures of Texas for admittance to the Union. His successor President Tyler, however, suffered himself to be led into negotiations with Texas, keeping the transactions throughout their entire process secret. Congress only heard of them when they were completed. In April 1844 the President startled the Senate by submitting a treaty of annexation which he had negotiated with the Texan authorities.

1. Macmaster, Vol. 7, p. 258

The Senate rejected the treaty by a decisive vote of 16 to 35. The question then became a leading issue for the politicians to deal with in their approaching campaigns.

On the day that the Senate rejected the treaty, citizens of Russel County, Alabama, in mass meeting assembled, called for a Convention of three delegates from each congressional district in the Southern States to meet in Richmond on October 8th and consider whether Congress had a right under the Confederation of the Union to tolerate discussions on slavery in its proceedings and, if so, to call a Federal Convention and have the Constitution amended so as to forbid Congress to touch on the slavery question in any form. This idea was substantiated on the grounds that slavery was under the exclusive jurisdiction of the States wherein it existed ¹.

In Lawrence County, Alabama, the people thought that, « the possession of Texas is infinitely more important to us of this section of the Union than a longer friendship with the northern States, and if we have to yield either, it cannot and shall not be Texas ². The admission of Texas to the Union was considered a political as well as an economic necessity for the South and Alabama used the full weight of her influence in obtaining annexation.

1. Macmaster, 7, p. 363.

2. *Ibid.* Vol. 7, p. 364).

After Texas had been admitted to the Union the opponents of slavery early made efforts to exclude it from any territory that the United States might secure outside of Texas. The Wilmot proviso, which was introduced in 1846, provided that neither slavery nor involuntary servitude should exist except for judicially determined crime in any territories that might be acquired from Mexico. This Proviso passed the house but failed by a narrow margin to pass the Senate. The question which it involved came up again and again and finally brought the politics of the Country to a critical stage.

The secession movement had formed little or no part of the political program of Alabama prior to the Mexican War, but, from 1848 on, there was continual dissatisfaction with the Federal Government caused entirely by the question of slavery. The most prominent States Rights leader of this time was William L. Yancey, whose ideas were really in advance of the times. He wrote the Alabama Platform which was adopted by the State Democratic Convention in 1848 and eight years later by the National Democratic Convention. This platform declared that the territory of the United States was the common property of the states, that every man had a right to take his property into any territory, and that the United States ought to protect him¹.

1. Joel C. Dubose, *Alabama History*, pp. 435-6.

The feeling of sectionalism became more pronounced during the administration of Governor Collier, who was elected in 1849. There was developed a dis-union party whose strength and leadership was considerable ¹.

In 1850 the South repeatedly asserted that she must have her rights under the Constitution or that she would solve the difficulty by secession. The Compromise of 1850 which was proposed by Henry Clay allowed California to enter the Union as a free state while slavery was not prohibited in New Mexico and the South obtained a more stringent fugitive slave law. This compromise abated the anti slavery agitation at the North for a while and quieted the threats of disunion at the South.

The Compromise of 1850 did not appear to satisfy the people in Alabama and there was talk of resisting the Federal Government in its efforts to appropriate the territory of Texas. All parties were incensed after the war with Mexico at the effort to shut out the Southerners from the new territory by excluding slavery, since it was chiefly southern blood that had won this new territory.

The struggle of the South to maintain her political position in the Union became more and more intense. She was desperate at the loss of California and there was a widespread feeling that the North would not execute the fugitive slave law. Many in-

1. W. Brewer, *Alabama History*, pp. 83-9.

fluent political leaders in Alabama were openly for secession. The Governor of the State upheld secession in his message and recommended non-intercourse by appealing to the people to withhold their patronage from Northern institutions of learning and not to travel north for health or pleasure¹.

The acquisition of New Mexico and California as a result of the Mexican war reopened the question that had been settled by the Missouri Compromise of 1820. The Wilmot Proviso was proposed by the Free Soil party of the North. It prohibited slavery in these territories while the South claimed them for slavery. This had been the chief question of the election of 1848. The Democratic Primary Convention in Alabama, which sent delegates to the National Democratic Convention, took an advanced southern viewpoint. Through the influence of the uncompromising secessionist, William L. Yancey, the former adopted the above mentioned Alabama platform². This platform declared that neither Congress nor the territorial legislature could rightfully prohibit slavery in a territory and went so far as to demand congressional protection for slavery there. The Alabama delegates were instructed to vote for no nominees who would not accept such a view. The National Convention would not accept this platform and a majority of the Democrats voted

1. Mc Master, Vol. VII, p. 48-9; *Pennsylvanian*, Nov. 16, 1850.

2. Montgomery, *Weekly Flag and Advertiser*, Feb. 18, 1848.

for Cass, the nominee of the Convention. The Alabama Whigs voted for Taylor, purely on his military reputation, without taking any stand on the slave question.

The Southern Rights Association at first violently opposed the Compromise of 1850. A convention of these associations was held in Montgomery on February 10, 1851, which denounced the Compromise¹. The Conservative sentiment of the State was, however, in favor of the Compromise and, while it made itself known only slowly, it was nevertheless the stronger. The Conservatives formed an organization to counteract the influence of such men as Yancey. Clubs were formed and controlled by some of the most influential men in Alabama².

The relative strength of the Conservative and States Rights parties is shown by the election of 1851. The Whig party, composed of Conservatives and Unionists, elected the Governor, five out of seven Congressmen, and the majority of the State Legislature. This shows a majority against secession in 1851. That Union sentiment was strong in Alabama in the following year, is proved by the fact that the Whigs, who were strongly opposed to secession, polled one third of the state vote for Scott. The Democrats were also divided, but the larger wing favored the compromises as endorsed

1. Hodgson, p. 279.

2. *Ibid.*, p. 186. Among these men were B. S. Bibb, Thomas H. Watts, Thomas Judge, H. W. Billiard.

in the national platform and gave Pierce nearly a majority of the popular vote. The States Rights party, which denounced the compromise, cast a very small vote for Troup. Thus it appears that Alabama supported the Compromise almost unanimously.

For four years following 1850 the Compromise seemed to be considered as final and the question of slavery in the territory was not an issue in Congress. But when the Kansas-Nebraska Bill came up, in 1854, it opened the old question of repealing the Missouri Compromise. This and the Immigrant Aid Society in Massachusetts, which sent armed parties of immigrants into Kansas to assist in making it a free state, aroused the sectional animosity of even the Conservatives, and led them to the tactics of meeting force with force¹. The Southern people would not be indifferent to the method of Kansas' admission into the Union and consequently much money was contributed in Alabama for the purpose of taking immigrants to Kansas². This disputed territory was a contest between the North and South. People had the pioneer spirit of the age and many went to Kansas in search of homes. There was, however, an organized effort in the South to make Kansas a slave state while the Emigrant Aid Company of New England sought to prohibit sla-

1. Walter L. Fleming, *The Buford Expedition to Kansas*, in *American Historical Review*, October, 1900.

2. Victoria V. Clayton, *White and Black Under the Old Regime*, p. 62.

very. Many appeals were made in the South for emigrants and slaves for the new territory. The South was not however thickly populated and the slave owners were prospering to such an extent as not to justify their moving to Kansas in any large numbers. The appeals made by the press and the political leaders resulted however in the equipment and arming of two hundred and eighty men who were raised in three of the cotton states. These men left Montgomery, Alabama, for Kansas to assist in obtaining the State for the interests of the South¹. With armed parties from both the North and the South within her borders, Kansas soon became the scene of civil war while feeling ran high in both the North and the South. The question of Kansas continued to be of extreme irritation and was not settled until after the Southern representatives had withdrawn from Congress in January 1861 when the Republicans, having a majority in the Senate, admitted Kansas as a free state.

There still remained, however, a Conservative Party in Alabama, opposed to bringing the slavery question to an issue. Such a Conservative leader as Henry W. Hilliard was nevertheless exercised over the Wilmot Proviso, and was led to state that « The Wilmot Proviso, which seeks to exclude the citizens of the slave states... (from the common territory), had not a principle to recommend it. It rests nei-

1. *Lectures on the American Civil War*, J. F. Rhodes, p. 33-4.

ther on generosity, nor justice, nor constitutional law ». He further compared this proviso to « a sea bird driven far inland ; it may be a messenger which gives notice of the coming tempest »¹.

In 1855 a new party under the name « American » or « Know Nothing » was coming rapidly to the front in national politics. It gained strength from the disorganized Whigs and from the Democrats. Its principles were strongly nationalistic and its object was a political proscription of foreigners. It declared that the term of naturalization should be twenty years and that no man should be elected to office who was not a native born American citizen².

This party grew to be so forceful that on June 9, 1855, the « Montgomery Mail, » declared, « There is next to nothing left of the Democratic party in Alabama. The Whigs are worse off. The sheer truth is all the prominent men of both old parties are identified with the Know Nothings »³.

While this party was strongly nationalistic in character, still it was by no means an anti-slavery party and none of its movements showed a desire to surrender any state sovereignty. A State Convention of this party met on February 4, 1856, and affirmed the doctrine of congressional protection of

1. Miss Toccoa Cozart, *H. W. Hilliard, Alabama Historical Society*, 1899-1903, p. 263.

2. Miss Emma Beall Culver, Thomas Hill Watts, *A Statesman of the Old Regime*, p. 416.

3. *Montgomery Mail*, June 9, 1855.

slavery in the territories¹. Article six of their platform also declared for non-interference with slavery by the Federal Government, except for protection of constitutional rights, and article seven declared for the perpetuity of the Union upon the principles of the Constitution and a perfect reservation to the States of all powers which they had not delegated to the Federal Government². Thus we see a love of the Union but at the same time a determination to protect the old constitutional ideals and to defend the institution of slavery.

The sudden rise of this party seems to express an effort at compromise but abolitionist agitations made compromises more and more difficult. It is evident, however, that political ideas in Alabama lacked fixedness of purpose and were undergoing a change which was to lead to the domination of the States Rights party.

The meetings of the American party were very clandestine and their refusal to express their politics openly, gave to the party the derisive name of « Know-Nothing »³.

The strength of the American party was shown to be considerable in 1855. In the Gubernatorial election of that year they polled 30, 639 votes while the Democrats polled 42,238⁴.

1. Hodgson, p. 357.

2. Culver, p. 419.

3. *Ibid.*, p. 446.

4. Hodgson, p. 361.

In 1856 the Alabama Democrats supported Buchanan on the Cincinnati Platform, which stood for non-intervention and popular sovereignty. After the election of Buchanan, the American party practically passed out of existence. The political efforts of this party had never been defined clearly enough to meet the needs of the people of Alabama but it had shown an effort at conciliation and perhaps had an influence in counteracting the efforts of the more rabid States Rights leaders.

The public opinion of the day can be sensed, to an extent, by the return to power of the uncompromising secessionist William L. Yancey in 1856. His theories, which in 1848 had been in advance of the times, were now becoming more popular with the people of Alabama¹. After the Convention in Montgomery returned him to power he probably did more than any other man to disrupt the Democratic party and precipitate the events which ended in the secession of the southern states.

The conservative forces, however, were still strong in the State but they had neither the leadership nor the tangible cause to appeal to the popular imagination such as had the States Rights leaders.

In the Congressional election from the Montgomery district in 1859, Thomas J. Judge ran on the Independent ticket. He had been prominent as a

1. Dubose, p. 136.

Whig and was known to be a conservative. Despite the fact that he was charged with disloyalty to the South by the « *Montgomery Advertiser* » and other leading Democratic journals, he lacked only a few votes of being elected from one of the districts which was a center of slave interests and secession feeling ¹. He did not not advocate the election of a « *Black Republican* » president as sufficient cause for secession, but he did advocate the calling of a State Convention to decide what should be done in such case. On the territorial question he took a strong southern position ².

The feeling in the State grew more and more intense. It was evident to the slave-holders that their economic resources were being threatened, so reactionary measures found expression. At the Commercial Convention held at Montgomery in 1858 certain resolutions were adopted, among which the following is to be found : it is expedient and proper that the foreign slave trade should be reopened and that the Convention will lend its influence to any legitimate measure to that end ³.

This resolution of the Convention was not necessarily indicative of the sentiment of the people at large. On January 19, 1859, the « *Confederation* » of Montgomery agreed with the *Charleston News* in opposition to reopening the foreign slave trade

1. Hodgson, p. 370.

2. *Montgomery Weekly Advertiser*, may, 11, 1859.

3. Taylor, p. 74.

which was advocated by many in order to equalize the southern representation in Congress ¹. The opposition expressed by the « Confederation » was based on economic grounds, namely, that such a course would lower the present price of slaves and at the same time cause great disadvantage to the poor whites. The Charleston News estimated also that to effect equalization it would be necessary to import thirty million slaves in ten years. This was out of reasonable proportions since only four hundred thousand negroes had ever been imported into the United States.

The great debate between Yancey and Prior at the Southern Commercial Convention held in Montgomery, 1858, showed to what extent the spirit of the people of the State was aroused. Things were fast approaching a point of positive action. Prior stood for compromise and delay while Yancey stood for secession in case of the failure of the redress of grievances. Whig leaders were becoming Southern Rights Democrats and the secession sentiment was gaining momentum ².

The spirit of the South was at a high pitch, and their independence of position was evidenced on all sides. On January 4, 1859, for example, the « Montgomery Daily Advertiser » in an editorial declared, « The South now occupies a position before

1. *Montgomery Confederation*, Jan. 49, 1859.

2. Hodgson, pp. 371-383.

the eyes of the world more grand and imposing than any nation on the face of the globe. Others seek the friendship of their neighbors. She may demand it »¹. This pride of position rested on two things, negroes and cotton, for whose protection the leaders of the day were willing to go to any extreme.

It was generally resolved in the South that the election of a Republican President committed to the interference of slavery in the states would be a sufficient cause for leaving the Union. South Carolina urged that the slaveholding states should meet and take immediate measures for a united action. The Governor appointed a special Commission to make known this resolution to Virginia and to express the sympathy of the people of South Carolina for the people of Virginia. At the same time the Legislature of the State voted \$ 100.000 for military purposes².

Alabama soon followed the opinions expressed in the other States by giving the assurance that she freely « concurred in affirming the right of any State to secede from the Confederacy ». It was further declared that should the convention of slaveholding states be held that Alabama would be represented. In case a Republican president should be elected a state convention was to be called for it

1. *Montgomery Daily Advertiser*, jan. 4, 1859.

2. *Reports and Resolutions of the Gen. Ass. of S. C.*, Dec. 22, 1859, pp. 578-9.

was affirmed that Alabama would never, « submit to the foul domination of a sectional northern party »¹. The legislature appropriated \$ 200,000 for military purposes. These warlike and independent moves were more the expressions of the leaders in political power than of the people in general. It was rather the fighting minority that dominated the thought of the day than a great popular movement in the State.

In the election of 1860, the Democratic party in Alabama was divided into two wings. The protection wing, under the direction of Yancey was the stronger. It favored the demanding of a protection platform at the Charleston Convention. In case this could not be obtained the delegates were instructed to withdraw from the convention and proceed to the nomination of a Southern Rights Leader. It is very probable that the majority of this party favored secession on the election of a « Black Republican » president.

The conservative Democratic wing opposed the demand for a protection platform at Charleston. They doubted the soundness of this theory and indorsed Douglas's views on squatter sovereignty. John Forsyth, of Mobile, in a speech in the General Assembly on February 2, 1860, said, « Judge Douglas holds, and I hold with him, that slavery under an organized territorial government is a rightful

1. *Acts of Ala*, 1859-60, pp. 685-87.

subject of municipal regulation, subordinate to the organic law of the territory and to the Constitution of the United States¹.

These two wings of the Democratic party found it impossible to unite. The protectionists were uncompromising in their demands for Southern Rights which they were determined to have either within or without the Union. The Conservatives were no less anxious for protection but they desired to act within the Union, if such were, in any wise possible; so they exerted every effort to keep the Democratic party united being conscious of the fact that this was the only method to obtain full Southern Rights within the Union. Hence the desire to maintain the Democratic party intact is found in the writings of many leaders of the day.

In a letter dated September 13, 1859, John Forsyth wrote to William F. Samford, « But to come to your ultimatum for your inability to grasp this bit of moonshine, you will go out of the Union ! Break up the government... Sir the Union cannot be dissolved upon such issue, and the sin of your course and that of those who, with you, are agitating this fire brand of abstraction in the Democratic party on the eve of a vital conflict with the combined hosts of « Black Republicans » is, that in the pursuit of fallacious hope, and an impossibility, you are paving the way for the defeat of the South ;...

1. *Montgomery Weekly Confederation*, Feb. 25, 1860.

I charge that you propose to break up the Democratic party and sweep from existence the only obstacle that stands between the Constitution and the Federal ravager... and for what ? For a vague theory of Constitutional right as devoid of value, form and substance, as the baseless fabric of a vision » ¹.

A Democratic Convention was held in Montgomery on April 23, 1859, in which Yancey, Colonel Lomax, Hilliard, and Goldthwaite took part. By almost unanimous consent they adopted the following resolutions ; (1) that Southerners were entitled to take their slaves into the territories ; (2) that no more compromise on this question would be endured ; (3) that the territorial legislature must not forbid slavery ; « if they do we will withdraw from the Union as in 1776 », (4) that nullification was a correct principle, and (7) that it is impossible to live under « Black Republican » rule ². Practically the same resolutions were adopted at the Congressional Convention at Auburn on May the ninth.

As the time for the National Democratic Convention grew nearer the States Rights Democrats became more active so the Convention which met in Montgomery on January 11, 1860, adopted almost unanimously a resolution declaring, « that the principles recognized by the Supreme Court in the Dred Scott case should be maintained by the South ». They further declared that their delegates to the

1. Hodgson, p. 406.

2. *Montgomery Confederation*, April 1859.

National Convention at Charleston should present such resolutions for the adoption of that body, and that they should insist on the adoption of the resolutions in substance and in case they should not be adopted that the delegates must withdraw ¹.

Many great leaders in Alabama, however were much opposed to anything that would tend to cause a disruption of the Democratic party. Ex-governor John H. Winston, in a letter ² declared that to insist on protection would break up the Democratic party, the only party left to preserve southern rights. But, if protection were demanded and Congress refused to give it, the honorable course would be secession. « But every intelligent citizen knows » he continued, « that on an abstraction about our territorial rights the people are not prepared for that last resort in defense of Constitutional right... When that party (Democratic) is unable or unwilling to protect us, I shall not one moment hesitate to seek out of the present Federal Government the enjoyment of all rights that belong to American freemen ».

In a letter written February, 1860, Alexander White, a former Whig Congressman, took a position against protection, saying that Congress had no right to legislate upon the subject after the organization of a territorial government ³.

1. *Confederate Military History*, vol. vii, p. 17.

2. Montgomery, *Weekly Advertiser*, October 5, 1859.

3. Montgomery, *Weekly Confederation*, April 7, 1860.

These extracts from leading Conservatives of the times, show that they did not wish to force the protection issue on the Charleston Convention. They stood for the preservation of a strong Democratic party as the basis for union and for the protection of slavery.

The two wings of the Democratic party with conflicting views met in convention at Montgomery on January 11, 1860, for the purpose of sending delegates to the Charleston Convention ¹. By an almost unanimous vote the Convention adopted resolutions instructing the delegates to demand a platform of protection and to withdraw from Charleston in case this was not given. Should the delegates withdraw the state executive committee was to call another convention to decide on further steps. This practically unanimous vote was, however, in a measure deceptive. Not all who voted for withdrawal were in favor of it. Some thought that this threat would intimidate enough Northern votes to give the South control of the convention, or that with so many candidates in the field the election might rest with Congress, in which case a Democratic president would be assured ².

The situation was, however, so serious that the Alabama Legislature, on February 24, 1860, with but two dissenting votes, adopted a resolution ins-

1. Hodgson, p. 401.

2. *Ibid.* pp. 402-25.

tructing the Governor to call a state convention in case of the election of a Republican. This resolution required the election on a Monday not more than forty days after the governor's proclamation of delegates to a Convention of the people of the State which was to meet on the second Monday after the said election ¹. The Governor construed the resolution to mean that the President must be elected before his proclamation could be issued. Thus he held that he must wait until the electors had voted for a President and Vice-President on December the sixth. This convention was to decide what should be done in the best interests of the State. The legislature voted simply for the convention and there is no real reason to believe that this voiced the sentiments of secession.

Some conservative leaders were opposed to the action of the State Democratic Convention. A letter signed « Hampden » in the *Montgomery Weekly Confederation*, gives a prevalent conservative viewpoint : « Shall we unite to prevent the election of an abolitionist... I wish to unite the whole Democracy of the country and consequently object to putting in the lead men whose avowals show them to be, to some extent at least, inimical to this subject ² ».

In a speech in the General Assembly, Fe-

1. *Mobile Daily Advertiser*, Nov. 9, 1860.

2. *Montgomery Weekly Confederation*, March. 3, 1860.

bruary 2, 1860, Forsyth stated the conservative position¹. He thought that the demands of the convention would break up the Democratic party, and that it was impossible to elect a president with a split party. The result would then be submission to a « Black Republican » president or the dissolution of the Union. His plea was simply to keep a united Democratic party by which means the South could demand her rights within the Union.

The sentiment against secession was strongest in the northern part of the State. A « Letter from an Old Man in the Country » written to his nephew in the State Democratic Convention and published in the « Huntsville Advocate » shows loyalty to the Union. He writes: « Are you not aware that if the Union continues to be saved from destruction it will be by the continued union of the Democratic party of the whole Union?... If the rights of the South are invaded, repel the invasion ; but do it in the Union under the broad protection of the Constitution² ».

There was little thought but that slavery was economically and socially right. Under the caption of « Free Laborers in New York », a story was told of the starving condition in that city of a woman who made caps at two cents each, « And this », it was added, « is the kind of life that Greeley and his crew would desire our negroes to exchange for

1. *Ibid.*, February 25, 1860.

2. *Ibid.*, March. 40, 1860.

their present well-fed, well cared for and happy condition ¹ ».

The National Democratic Convention met in Charleston on April 23, 1860. The majority and minority reports on the platform were made and the latter was accepted. There was only a single reference to slavery in the minority platform, and this was a resolution that the « Democratic party will abide by the decisions of the Supreme Court of the United States, in questions of Constitutional law ». Even this resolution was defeated and not incorporated in the resolutions as finally adopted ². The whole territorial question was evaded, and the protection demanded by the Alabama Convention was not affirmed, so the delegates withdrew. Yancey was the leader of the extremists and Winston of the conservatives, though the latter stood firmly for withdrawal ³. It was evident that the political situation had met a crisis. In a famous speech Yancey repudiated political evasion entirely and openly defended slavery. He categorically declared that there must be a complete guarantee for the existence of slavery or there would be Southern independence. There was wild excitement in Charleston where Yancey addressed crowds that cheered for a Southern Republic ⁴.

1. *Ibid.* March. 22, 1859.

2. *Mobile Weekly Register*, May 12, 1860.

3. Richard Taylor, *Destruction and Reconstruction*, p. 12

4. N. W. Stephenson, *Abraham Lincoln*, p. 72.

The Governor of Alabama had appointed Elmore to represent him at the Charleston convention. The argument summed up in Elmore's report to the Governor was that the only course left to the Southern States which could provide safety was for South Carolina to take the initiative and secede at once without any delay or hesitation; that an effective plan of cooperation could be formulated only after one State had seceded and presented the issue. Then the plain question would be presented to the other Southern States as to whether they would stand by the seceding State engaged in a common cause or abandon her to the fate of coercion by the arms of the Government of the United States ¹. There was no great personality to arise and resist the strong advocates of Secession. The Convention adjourned from Columbia to Charleston and passed the ordinance of secession.

On May 18, 1860, Ex-Governor Winston wrote « The whole question of Congressional intervention to protect slavery in the territories is surrendered to the discretion of Congress, when they assert it to be the duty of the government to protect when necessary, leaving to this body to judge of the necessity of the intervention ².

Democracy in Alabama had become divided, and the worst fears of the conservatives were being rea-

1. Stephenson 3.

2. *Montgomery Weekly Advertiser*, June 6, 1860.

lized. Only one hope remained and that was to send a delegation to Baltimore in an effort to reunite the Democratic party. Colonel J. J. Siebels made a call through the columns of the *Montgomery Weekly Confederation* : « All Democrats and all other persons who are in favor of Alabama being represented in the Baltimore Convention of the Democracy of the United States, which is to nominate candidates for the Presidency and vice-Presidency and who are willing to abide by the action of the said convention and support its nominees, are requested to hold county meetings and send delegates to the state convention to be held in Montgomery on the fourth day of June next, for the purpose of electing delegates to the National Convention and nominating an electoral ticket for the support of its nominees ¹ ».

The two wings of the Democrats of Alabama assembled separately in Montgomery on June 4, to elect representatives to the conventions to be held respectively at Baltimore and Richmond. The difference between the purposes of the conventions is made clear in a letter from Ex-governor Winston : « Believing as I do that this (Richmond Convention) is calculated to precipitate the South into a secession from the Democratic party and from the Union itself, for which there is now no good cause, and for which the South is now wholly unprepared, I

1. *Ibid.*, June 6, 1860.

deprecate and oppose that movement..., believing as I do that this (Baltimore Convention) is the only mode now to save the country from the mad rule of 'Black Republicanism'. I favor and advocate the proposition to send delegates to that convention ¹. »

Another letter signed « Hampden » voiced a similar opinion, « Has any man shown you why the South should go out of the Union, because a party platform did not contain the assertion of a right which the chosen friends of that right nowhere pretend to be needed at present?... I ask the people of Alabama if it is not the wiser and better course to defeat the 'Black Republicans' in November and to trust to the returning good sense of the Northern people for recognition of our right, than to insure the triumph of that pestilent faction by our ill-timed and foolish divisions about minor abstractions ² » ?

The conventions of the two wings met at Montgomery on June 4. The Douglas wing, with representatives from thirty different counties, sent a full delegation to Baltimore ³. The seceders' convention sent delegates to Richmond authorizing them, however, to meet with the convention at Baltimore but to follow the instructions given to the delegates who had gone to Charleston.

1. *Montgomery Weekly Confederation*, June 8, 1860, and June 22, 1860.

2. *Ibid.* June 4, 1860.

3. *Ibid.* June 8, 1860.

On June 11, seceders from Charleston met at Richmond and after a few days adjourned to meet on June 28 at Baltimore. Led by Yancey who had been forced by the Conservatives to this position, they applied for admission to the Douglas convention, which was then sitting at Baltimore. They were, however, refused seats¹.

There were also in Alabama two other political parties composed chiefly of former Whigs and Americans. The larger was the Constitutional Union party which contained a majority of Alabama conservatives. Their representatives met in Baltimore on May 9 and nominated Bell and Everett. A state convention which met in Selma on June 21 ratified the action of the national convention and indorsed the principles of the Dred Scott Decision².

The smaller party was the « States Rights Opposition », which was composed of the hang-overs from the American party. They held a meeting in Montgomery on June 18 and called a convention to meet July 2³. On that date delegates from only seven counties assembled but among them were many leading men of the State, such as Thomas J. Judge, Tomas Hill Watts, W. P. Chilton, and others. The committee on resolutions reaffirmed the principles of a platform demanding Congressional protection in the territories.

1. Montgomery, *Weekly Advertiser*, June 13, 1860.

2. Hodgson, p. 449.

3. Montgomery, *Daily Mail*, June 19, 1860.

The Conservative element in the Country attempted to form a party organization. There was a remnant of the Whig party that could not join with either the Democrats or Republicans, while the Know Nothings had not entirely disappeared. These elements showed a common sentiment which expressed itself in a love for the Union and which opposed rash action. The result of their combination was the formation of a Constitutional Union Party whose representatives met in Baltimore on May 9 and nominated John Bell of Tennessee for President and, Edward Everett of Massachusetts for Vice-president. Their platform was intended to support the Union and to oppose sectionalism ¹.

There were now three presidential candidates before the people ; Breckenridge, supported by the Protection Democrats and the Opposition State Rights Party ; Bell, supported by the Constitutional Unionists ; and Douglas, by the Conservative Democrats. The election returns from Alabama showed the votes for the three candidates as follows : ²

Breckenridge	48,831	38 Counties
Bell	27,865	5 counties
Douglas	13,621	4 counties

The election of a Republican president had been looked forward to, for a long time, as a matter of

1. Stephenson p. 75.

2. Montgomery, *Weekly Advertiser*, November 21, 1860.

the gravest concern for the State, and, while there were many conservative and loyal Union people in Alabama, both from the point of view of sentiment and economics, still it seemed that a time for positive action was at hand. The slave states seemed doomed to lose their guarantees of constitutional rights. As the campaign went along bitterness was engendered and finally the election itself threw great numbers into the ranks of secession.

Shortly before the election Watts had written « The South would be justified, in the eyes of all enlightened men, in resisting to the extremity of sundering every tie which binds us together as one people. »¹ Ex-governor Winston also stated, « as for cooperation, that is but a device of timidity and cowardice, or a piece of strategy for delay and postponement. My own views are that we should go into the convention and take steps for a separacy ». ²

The election of Lincoln threw the State into the greatest political excitement, the prevalent idea being that a submission to the « Black Republican » rule was intolerable. A Mobile paper contained a notice of an infantry corps about to be organized and headed it, « Wanted : eighty able bodied men ». Another was headed, « Gallant men to the rescue » which called for eighty six men

1. Montgomery, *Weekly Confederation*, October 5, 1860.

2. Montgomery, *Weekly Advertiser*, December 5, 1860.

between the ages of forty-five and sixty-five years of age which was to form a homeguard for the protection of women and children, « while war is raging abroad and everybody else has gone to it » ¹. There was a mass meeting held of those who believed that « Alabama should not submit to the dictation of Abraham Lincoln ». This meeting voted down a resolution to await the action of the other Southern States. They further resolved that Lincoln's election overthrew the Constitution and that the State had the right to secede and should do so immediately ². The Governor of the State upheld the right and the expediency of secession for Alabama. In a speech made shortly before election day he announced that the same wire that brought the news of the election of Lincoln should immediately carry his proclamation calling a meeting of the Legislature ³.

The Grand Jury of the United States District court at Montgomery presented the Federal Government as worthless and impotent and a nuisance for allowing the violations of the Constitution by permitting the States to nullify the fugitive slave law ⁴.

Still the secession party was not completely dominant. There arose what might be termed two new

1. *Mobile Daily Advertiser*, Nov. 5, 1860.

2. *Mobile Daily Advertiser*, Nov. 16, 1860.

3. *Mobile Tribune*, Nov. 1860.

4. *Montgomery Advertiser*, Dec. 12, 1860.

parties, the « Separate Secessionists » and the « Cooperationists ». The former wished Alabama to secede immediately without consulting any other state, while the latter favored consultation and cooperation with other slave holding states in opposing the administration. The Cooperationists were, also, divided among themselves, some being for secession in conjunction with other states, others being opposed to secession but desiring to unite their strength to obtain their rights within the Union.

Colonel J. Siebels expressed the following opinion : « Let us go to work and adopt some policy, some plan by which the South can be made to secede from the Union and present to the world a united front. This can only be effected by consultation and cooperation with these states... Let us do away with separate secession and stand squarely upon the platform of consultation and cooperation. » ¹

Henry W. Hilliard was firmly against any rash action on the part of Alabama and wished the State to remain in the Union as long as possible, but in case of withdrawal he wished full cooperation with the other slave holding states. ²

The northern part of the State was, in great part opposed to, secession in any form. The Marshall County News said : « As to secession, we feel

1. Montgomery, *Weekly Confederation*, November 3, 1860.

2. Henry W. Hilliard, *Politics and Pen Pictures*, p. 309.

no disposition on our part to abandon so noble a government as ours, and leave all the glory to be shared alone by our enemies. » The Huntsville Advocate states: « In our opinion, at this particular time, no action is the wisest action ». The Huntsville Independent: « We went into the presidential contest, we were defeated, is it not right for us to abide by the decision? »¹

The secessionists who had seemingly been so strong were now opposed in many parts by cooperationists who asserted their policies.² A meeting of prominent Secessionists assembled at Montgomery to consider what should be the duty of the Governor in regard to the resolution of Jan. 1860. The Governor decided that he would call the convention two days after the votes had been cast in the electoral college and that the convention should meet on Jan. 7. Jemison had urged the legislature to pass the resolution requiring the withdrawal from the Charleston Convention. He was now a Unionist. The members of this party now entered the struggle with a recognition of the consequences. Their theory was that the « day of small governments had passed »... if secession succeeds the road to success will require the sacrifice of slavery; if secession fails anarchy will follow ».³ The political leader of the day in Alabama

1. Montgomery, *Weekly Confederation*, November 23, 1860.

2. Dubose, *Yancey*, p. 547.

3. Dubose, *Yancey* 547-9

was however, Yancey. He answered the Cooperationists in a meeting in the evening after the presidential election by saying « In the contingency that consultation shall not produce concert what then? — shall we remain and all be slaves? Shall we wait to bear our share of the common dishonor? God forbid! let us act for ourselves. I have good reason to believe that the action of any state will be peaceable, will not be resisted under the present or any future administration of public affairs. I believe that there will not be power to direct a gun against a sovereign state. Certainly there will be no will to do so during the present administration ». ¹

The campaign of 1860 was of momentous consequence to the South. Everything had been staked on the presidential election. The triumph of Mr. Lincoln was from the Southern point of view the rise to full power of a party which intended to destroy the Southern social system and defeat their economic interests. The opinion was general that the North would not hesitate because of constitutional barriers. For many years the various northern states had been passing « personal liberty » laws which intended to bar the operation of the Federal statutes concerning fugitive slaves. These acts, in the eyes of the south, were evident attempts to nullify the constitutional action of Congress. The

1. *Ibid.*, 539.

long propaganda going on in the northern press had tended to incite southern pride and to alienate all affection between the two sections of the country. It would seem, however, that the South was unduly incited and sensitive to a degree beyond which the occasion actually demanded. The Republicans wished to check slavery but none of its important leaders intimated any determination to interfere with it in the states where it already existed. The south would not however be reconciled to the dominance of a Republican President and considered that it was morally impossible to remain in the Union.

Various States earlier in the year 1860 had provided for meetings of their people in the event of the election of a Republican President. The first convention to assemble was that of South Carolina which organized at Columbia on December 17, 1860. Two weeks earlier Congress had met and the House had appointed a Committee of 33 members to consider the present grave condition of the Country. The debates of this Committee were unpromising from the Southern point of view. A Conference of southern members of Congress sent out a famous address to their constituents: « The argument is exhausted. All hope of relief in the Union... is extinguished and we trust the South will not be deceived by appearances or the pretence of new guarantees. In our judgment the Republicans are resolute in the purpose to grant

nothing that will or ought to satisfy the South. We are satisfied the honour, safety and independence of the Southern people require the organization of a Southern Confederacy, a result to be obtained only by separate State Secession. » Among the signers of this famous address were some of the most forceful leaders of the South, including Jefferson Davis and J. P. Benjamin.¹

Secession was not politically expedient for the South since the election of Lincoln did not carry with it a Republican Congress. The Democrats had a majority in both the Senate and House of Representatives and even the Supreme court with one exception leaned towards the South in their opinions.

The act of secession in the South was not easily consummated, however, as was to be supposed. Here was to be found a strong party opposed to secession which did not have the self assertion to act until it was too late to be effective. Georgia presented a strong opposition to secession led by Alexander H. Stevens, later Vice President of the Confederacy. Secession in Alabama was more or less planned and executed by the political leaders by means of argument and persuasion. It can scarcely be called a great popular movement. The border states such as Virginia, North Carolina and Tennessee did not secede until the Lincoln Ad-

1. Stephenson 2

ministration entered upon its policy of coercion.

Public opinion was very much divided at this time, but Alabama had become very prosperous and very proud under the leadership of men of the old regime and was very jealous of what she was wont to term as her honorable rights.

Early in January before the Secession Convention had met the Governor of the State wrote to the President of the United States and expressed his ideas as to the political relations between the State and the Federal Government. « In a spirit of frankness I hasten to inform you that by my order Fort Morgan and Fort Gaines and the United States Arsenal at Mount Vernon have been occupied and are now held by Alabama troops ». The Governor gave his reason for taking such steps by stating that a Convention of the people of Alabama was to assemble on the seventh of January and that he was convinced that the Convention would withdraw Alabama from the Union and place her in the attitude of a separate and independent power. The Governor had thus taken the precautionary measures of seizing the above named military posts in order to make secession peaceful, since he had considered that the United States Government would reenforce these forts. The Governor further declared in his letter to the President that any attempt at coercion on the part of the United States Government would be resisted to the utmost capacity of the people of the State to defend their position.

The letter closed by the Governor expressing the desire that amicable relations might obtain between the State and the United States Government.¹

During the early months of 1861 there were various and conflicting opinions both north and south, the latter however showed the greatest decision. Federal authorities seemed stupefied. As the various southern States seceded their representatives withdrew from the Senate and House of Representatives and their officers withdrew from the United States Army, and offered their services to their respective States. The several withdrawing States took immediate possession of the Custom Houses, post-offices and Federal arsenals within their jurisdiction. Military preparations were being made in the seceding States. While such proceedings were going on in the South the Federal Government was characterised by its lack of activity, and seemed calmly waiting for matters to adjust themselves. President Buchanan whose councils had been guided for the most part by southern influences followed a policy of delay. As southern men withdrew from his cabinet, firmer adherents of the Union took their places but still the President was incapable of deciding on any firm policy with regard to the seceding states. Numerous compromise measures were introduced

1. *O. R. Ser. I, Vol. I, pp 327-8.*

into the Federal Congress but nothing definite was agreed upon. A Peace Congress composed of delegates of all the seceding states met at the instigation of Virginia and offered propositions to settle the questions of the day. Nothing was effected and the weight of the responsibility was left to the Lincoln administration which was to be ushered in on March the fourth.

Even after the Southern States had seceded and formed a new Government they did not assume a national character. The Union of Confederate States was rather economic than political and the central government at Richmond had difficulties with the several states throughout the entire war because of their particularistic tendencies. It would be difficult to prove that secession lacked the support of the people after it had been consummated. While it was unquestionably the project of the leading classes still it had the essentials of a popular move. The political leaders carried secession not by usurpation but by persuasion. The people of the South had developed a deep comprehension of political questions and the right of suffrage with them was a matter of almost religious importance. They were dominated by the arguments of the leaders of the day and were persuaded that better terms could be obtained without the Union than within it. The devotion of the people to the Government of their choice was to be found in their conduct during the war. There are certainly few cases

in history where men went so eagerly to war and fought with such pronounced devotion against such overwhelming odds and even continued the struggle after all chances of victory had vanished. The test of their fighting was the proof of their desire to establish a government separate from that of the United States.

CHAPTER III

The Secession Convention.

In accordance with the resolution adopted by the by the Alabama Legislature in 1860, a committee of prominent citizens, selected by a convention of the people of the several counties, asked the Governor as to his intentions about calling the state convention ¹. He replied in a letter of November 14 that a proclamation calling for the convention as prescribed in the acts of the legislature could not be issued until after the real election of Lincoln which would officially take place on December 5. He made it clear that the election to the convention would be held as soon as was legally practicable. He further stated, « I solemnly declare it to be my opinion that the only hope of the future security for Alabama and the other slave holding states is secession from the Union ² ».

1. William R. Smith, *History and Debates of the Convention of the People of Alabama*, P. 12.

2. *Ibid*, p. 13.

On December 6, the day following Lincoln's election, the Governor issued a proclamation calling for an election to be held for the State Convention. This Convention was « to consider, determine and do whatever, in the opinion of the said Convention, the rights, interests, and honor of Alabama may require to be done for her protection. » The governor was of the personal opinion that Alabama should secede. His proclamation continued further ; « If a state withdraws from the Union, the Federal Government has no power under the Constitution to use military force against her, for there is no law to enforce the submission of a sovereign state nor would such withdrawal be either an insurrection or an invasion¹ ». The proclamation named December 24 as the date for the election to the Convention.

The Governor's delay in calling this convention allowed the anti-Secessionists to form a more or less formidable Cooperationist party. The stronghold of radical Democracy was in North Alabama, with such leaders as William R. Smith, M. J. Bulger, Nicholas Davis, Jeremiah Clemens, and Robert J. Jemison. But none of these could be said to possess the leadership of Yancey, who, upon the night of November 6, 1860, at a mass meeting at Montgomery, declared for secession in such terms as the following : « I would in the cause of my state ga-

1. Montgomery, *Weekly Advertiser*, December 12, 1860 ; Hodgson, pp. 476-77.

ther around me some brave spirits who, however few in number, would find a grave, which my countrymen, the world, and all future ages should recognize as a modern Thermopylae¹. »

Despite the great strength of the secession movement and the ease with which the emotions of the people could be played upon in such an issue, Alabama had sent a large number of conservative anti-secessionists to the State Convention. This Convention met in Montgomery on January 7, with every one of the hundred delegates present. The strength of the two parties as computed by the Confederation was as follows :

Cooperationists, 53 delegates, representing 33,000 popular votes.

Secessionists, 47 delegates, representing 24,000 popular votes².

The strength computed by the Advertiser was :

Cooperationists, 41 delegates, representing 27,000 popular votes.

Secessionists, 59 delegates, representing 36,000 popular votes.

This difference can be accounted for by the fact that some of the representatives had been elected without a declaration of principle and were therefore claimed by both parties. Conclusions from these returns are of course impossible, but we can

1. Taylor, p. 76

2. Montgomery, *Weekly Confederation*, January 4, 1861.

safely say that the highest number of votes claimed for immediate secession was not more than 36.000 from a population which had polled 90.000 at the last presidential election¹.

The views of the Cooperationists were very conservative and if they had had as forceful leadership as the Secessionists, Alabama would not have been so soon withdrawn from the Union. Some of their conservative views are as follows: On January 9, M. Bulger (Tallapoosa County) offered as resolution, « That separate state action would be unwise and impolitic on the part of the convention and that Alabama should invite all of the southern states to a convention to be held at as early a date as practicable, which should consider and agree upon a statement of common grievances and the manner of obtaining redress whether in the Union or by independence, out of it² ». Mr. Posey, of Lauderdale, said, « It is not our purpose to submit to the doctrines asserted in Chicago, but our resistance is based upon consultation and in unity of action with other slave states³ ».

The following resolution was adopted in Limestone County: « Resolved that we favor a convention of the fifteen slave holding states... trusting that there is reasonable ground for a peaceable solution of all differences between the North and the South

1. Hodgson, p. 492.

2. Montgomery, *Weekly Advertiser* January 16, 1861.

3. Hodgson, p. 481.

inside of the Union and the Constitution ¹ ». Tuscaloosa County adopted the following resolution : « Resolved that we hold it to be our duty first, to use all honorable exertion to secure our rights in the Union ² ».

After the election of Lincoln, however, many of the conservative leaders who were opposed to secession, took their position alongside of Yancey. Some of these were Watts, Judge and Hilliard. The Governor of the State made clear his support of secession in a public speech ³.

On Sunday night before the meeting of the Convention each party (the Secessionists and the Cooperationists) claimed a majority, but before the hour of assembly it was considered that the Secessionists were somewhat in the ascendency ⁴.

The Secessionists maintained a united front and stood for the unconditional secession of the state of Alabama, while the Cooperationists might be said to be divided among themselves. There were those who wanted the Southern States to cooperate within the Union and thus force their rights from the central government, and those who wanted the Southern States to come to an agreement while still in the Union in order that they might secede in a group in case such action were necessary. There

1. *Ibid.*, p. 486.

2. *Ibid.*, p. 486.

3. Fleming, p. 20.

4. Smith, p. 49.

were said to be some « submissionists » among the Cooperationists but the records of the Secession Convention do not show such to be the case¹.

The names of William M. Brooks, of Perry County, and Robert Jemison of Tuscaloosa County, were presented for nomination as president of the Convention. Brooks was from the blackbelt and therefore a representative of the slave interests, while Jemison adhered more closely to the interests of North Alabama. The vote showed fifty-four for Brooks, who carried the central and south Alabama representatives, and forty-six for Jemison, who carried the north Alabama delegation².

Action was demanded by all present and the first resolution was to the effect that the people of Alabama would not submit to the administration of Lincoln and Hamlin. This resolution received unanimous approval, but the ideas as to the *modus operandi* were varied. The Secessionists held that a state, while a member of the Union, could not combine with other states against their government or the party in power. For such action there was no Constitutional authority and the result would be a breaking up of the Union and perhaps war, while under the Constitution it was admitted that each state had the right of secession. The majority report, as presented by Yancey, provided for

1. Fleming, p. 28.

2. Smith, p. 23.

the immediate secession of Alabama. The minority report was presented by Jere Clemens and proposed that all Southern States should be requested to meet at Nashville on February 22, 1861, to consider wrongs and remedies. The basis of the settlement was to be, first, faithful execution of the fugitive slave laws and repeal of state laws nullifying them; second, more stringent and explicit provision for the surrender of criminals escaping into another state; third, guarantees that slavery should not be abolished in the District of Columbia, or in any other place under the exclusive jurisdiction of Congress; fourth, non-interference with the interstate slave trade; fifth, protection of slavery in the territories which, when admitted as states, should decide the question of slavery for themselves; sixth, right of transit through free states with slave property; seventh, the foregoing clauses to be irrevocable by amendments to the constitution. It was further resolved that secession should not be attempted except after the most thorough investigation and discussion¹. The adoption of this report was lost by only nine votes.

Many things happened about this time to inflame the members of the Convention. It was an hour of intense feeling and rapid development. Telegraphic messages came often and served to stimulate action. On January 7, a telegram from Richmond

1. Smith., p. 79.

to Governor Moore stated that the Virginia Legislature by a vote of 112 to 5 had passed a resolution to resist any attempt to coerce the seceding states by all the means in her power¹. On the same day a telegram from Mississippi stated that state would probably secede the following day². A telegram was received from Mobile asking whether the United States armed vessels could be allowed to enter the harbor and also stating that in case of interference there was no protection for the Alabama force³. On January 10, information was received announcing that Florida had seceded unconditionally by a vote of 62 to 7⁴. On the second day of the convention, Andrew P. Calhoun of South Carolina, presented his credentials and delivered an effective address, urging Alabama to unite with South Carolina in forming a cotton confederacy⁵.

On receiving a telegram from Florida asking for five hundred troops, the Governor saw fit to confer with the Convention and consequently addressed a message to William M. Brooks, the president, in which he was in favor of sending Alabama troops to assist in the taking and the maintaining the West Florida Fort. This was considered a strategic move for the protection of the State against inva-

1. *Ibid.*, p. 34.

2. *Ibid.*, p. 42.

3. *Ibid.*, p. 49.

4. *Ibid.*, p. 93.

5. Taylor, p. 77.

sion and coercion. The Governor further stated that he was informed from high sources that it was the policy of the United States Government to coerce seceding states and her purpose in accomplishing this was to reduce all forts in states threatening secession¹. However in such trying times as these, the Cooperationist party remained cool and closely united in its efforts to postpone secession.

On January 11, the « Ordinance of Secession » was presented to the Convention for a vote. Yancey was chairman of the committee of thirteen which reported the ordinance. As chairman he had been liberal with the minority allowing them unstinted privileges for debate and deliberation. There was an effort by the Cooperationists to substitute the minority report for the majority. On the failure of this, Mr. Clemens offered a resolution providing that the Ordinance could not go into effect until it was ratified by popular vote. This resolution failed to carry by the same vote as the minority report².

The debate over the Ordinance is described as « One of the most interesting and painful scenes ever witnessed by a deliberative body sitting upon measures involving the life or death of states. The members of the minority, before casting their votes, protested against the act about to be commit-

1. Smith, p. 52.

2. Hodgson. p. 514.

ted, and each in turn raised his warning voice »¹.

The debate was closed by Yancey whose influence had been the greatest of any man in Alabama during this trying period. His speech on this occasion was up to his usual eloquence and force. He first congratulated the Convention that the spirit which prevailed was both patriotic and fraternal and that the atmosphere of suspicion which had been noted in the earlier hours had in a great degree dissipated. He cited the example of the Revolutionary Fathers as a precedent for the plan of action proposed and urged as many signatures as possible to the Ordinance declaring that the « absence of the signature of any members will be a notice to our enemies that we are divided as a people and that there are those in our midst who will not support the State in her hour of peril ». He refuted the statement that secession was a movement of politicians and not of the people, declaring, « This is a great error. Who, on a calm review... can reasonably suppose that the people of South Carolina, Georgia, Florida, Mississippi, and Louisiana, who have already elected conventions favorable to dissolution, and the people of Arkansas, Tennessee, North Carolina and Virginia, who are contemplating an assembling in their several conventions, have been mere puppets in the hands of politicians? No, sir; this is a great popular movement, based upon a

1. *Ibid.*, p. 414

wide-spread, deep-seated conviction that the forms of government have fallen into the hands of a sectional majority determined to use them for the destruction of the rights of the people of the South¹.

The Ordinance voted upon was termed: « An Ordinance to Dissolve the Union between Alabama and Other States United Under the Compact Styled the Constitution of the United States of America ». The preamble contained a list of grievances². A cooperationist amendment which was adopted expressed the desire of the people to form, with the other states of the South, a permanent government, and invited a convention of these states to meet in Montgomery on February 4, 1861, for consideration of this matter.

The Ordinance was adopted on January 11 by a vote of 61 to 39. Seven delegates who were elected as cooperationists voted with the secessionists. Their change of attitude had been brought about by the strong secession feeling that seemed to grow each hour.

The Secessionists, led by Yancey had assumed that the Convention held full powers, while the Cooperationists held firmly to the opinion that the right of secession was entirely in the hands of the people. Yancey in debating this subject with great energy, declared that to submit the Ordinance to

1. *Ibid.*, pp. 516-24.

2. Smith, p. 76.

the people was wrong, that the people were acting in the Convention in their sovereign capacity. He held that our government was not a pure democracy but a government of the people and not directly through them, that our historical development and tradition had given the Convention final authority. He was further convinced that the vote of the people would sustain the Convention. Still he was aware that in such excited times bitterness, that might have fatal results, would be engendered, or at least might hinder the prompt action so necessary at this time for the welfare of the State. His will prevailed and it was decided not to submit the question to a popular vote¹.

This however was never acceptable to the Cooperationists either before or after the passage of the Ordinance. They declared that a question of such vital importance to the fortunes of the people should be submitted to their approval. Posey of Lauderdale county said that his constituents had expected the decision of the Convention to be referred to the people in which case they would more willingly submit.

The Ordinance of Secession was passed by a very small majority if we take into consideration the importance of the question. The people of southern and central Alabama had stood firm in their pro-secession views while the people of the mountain

1. Smith, pp. 114-15.

and sand hill counties were very determined to remain within the Union. This element was in spirit and political views very similar to the people of the mountains of east Tennessee. All the counties of north Alabama had sent cooperationist representatives to the Convention but those representatives from the hill counties seemed anxious to oppose any measure supported by the South Alabama delegation. Several times during the debates in the Convention they showed an independence of action and thought, and even expressed a desire for annexation to Tennessee¹.

Twenty-four members of the Convention never signed the Ordinance of Secession though the greatest pressure was brought to bear on them in this moment of excited patriotism. However, they promised to support the Ordinance. The only reason for their failure to sign was their desire for local independence. They had no special interest in slavery nor did they have sufficient love for the Union to espouse its cause. If, in the whole matter of the conflict these people could have been left alone, a great number would have remained neutral. While these hill counties, when brought to the test espoused the cause of the Confederacy, still the most notable lack of loyalty to be observed during the war, is found among these counties, whose representatives held out the longest for cooperation.

1. Fleming, p. 54.

After the passage of the Ordinance a general cooperation began. The anti secessionists rallied to the support of the new order. The representative of Saint Clair County, stated that he was pledged against immediate secession but that it became a law he would support it. Davis, of Madison County, speaking for his constituents, and venturing to speak for all of North Alabama, declared that they were ready for the conflict. Such speeches as these are typical of the general feeling of the moment.

While the State thus seceded from the Union and assumed an independent role it is plainly evident from the debates that secession sentiment was not unanimous nor were some of the delegates ever convinced of the expediency of the move. A great discussion ensued as to whether the Convention represented the sovereign will of Alabama, and it is probable that the masses of the people were not in favor of secession but that the State was rushed into this action by a determined minority.

CHAPTER IV

Establishing a New Government.

After the passage of the Ordinance of Secession, the first effort of the members was to form some system by which Alabama could be united with the other states in a confederacy. The Secessionist leaders firmly asserted the sovereign right of Alabama, but they recognized the economic necessity of having their small State joined in some sort of political union with the other seceding States. This confederacy they determined should be more in the form of a league by which the State should maintain her right of free action, but at the same time should delegate to the central Government such powers as would accrue to her advantage by stabilizing her commercial position and at the same time allow her a long sought for political freedom. On January 16, Yancey read a unanimous report of the special committee of thirteen on the formation of a confederacy with other seceding states, using the Constitution of the United States as a basis. The

committee also advised the election of delegates to the provisional Congress called to meet at Montgomery on February 4¹.

The economic question of slavery had had much to do in causing secession and now that Alabama was out of the Union the business world became gloomy and despairing. Confidence in some permanent form of Government was necessary to revive commerce and finance; so it was decided to establish a form of Government modeled in part on that of the United States. No one considered that a revolution was taking place. In fact the opinion held by the secessionists as well as the political leaders that preceeded secession was that the Constitution of the United States should grant just such privileges as the southern states were contending for. It was not intended therefore to establish a government greatly different from that of the United States but to have a Constitution so written that its interpretation could permit of no exercise of power beyond that which the several states might grant.

The proposition of South Carolina to establish a provisional Government and to prepare for a permanent one was presented to the Convention. Each state was to send as many representatives to the convention to be held on February the 4th, as it had representatives in Congress and the Senate.

The plans for the formation of a new government

¹ Taylor, p. 80.

caused much debate in the State Convention. The Cooperationists used their obstructionist tactics. Je-mison of Tuscaloosa proposed to strike out that part of the resolution relating to a permanent Government ¹. Another Cooperationist wanted to delay in order that the border states might come in and take part in the formation of the new Government. Others proposed that the people elect a new convention to act upon this question. But Yancey's leadership again asserted itself. He declared that delay was dangerous, since he foresaw that coercion would be undertaken, that another election would cause irritation, and that the delay necessary for the border states to decide what they would do would be fatal to the South ². The proposition for a new state convention was voted down and the Convention proceeded to elect one deputy from each Congressional district and two from the State at large to represent Alabama in the Southern Convention which was to meet in Montgomery on February 4, for the purpose of establishing the Confederacy ³. In accepting the invitation to form a Confederacy six Southern States met in Montgomery Alabama on Feb. 6 to formulate some concerted action which might be desirable for the peace and the common security of the seceding states. There was such unanimity of opinion among these representatives that within the

1. Smith, p. 136.

2. Smith, 139-44.

3. Fleming, p. 39.

space of six days a provisional constitution had been adopted and an organized Government sprang forth as if by magic. After the establishment of the new Government a committee was appointed to frame a permanent constitution, which was unanimously adopted by the provisional Congress and rapidly ratified by the seceding states. This constitution while in most respects a reproduction of the Constitution of the United States was very clear on all points of controversy which had occurred under the older instrument. It was explicitly stated that the new Constitution was adopted by each state acting, « in its sovereign and independent character ». The principle of the recognition and protection of slavery in all the territories of the new Government was maintained. The individuality of these several states was further acknowledged by the fact that when the question of the admission of a new state came up in the senate that the vote should be taken by a poll of the states ; and further by granting to each of the state legislatures the right to impeach Confederate officials whose duties were confined to their own territory. Upon the demand of three states a convention could be called to propose an amendment to the constitution. Protective tariffs which had been the cause of a long bitter contention under the old regime were specifically prohibited as were all internal improvements at the expense of the central Government.

The framers of the New Constitution took the op-

portunity also to make such changes as were thought advantageous other than those for which they had contended under the old instrument. The presidential term was lengthened to six years and the president was ineligible for reelection. In attempting to form a more advantageous economic policy the Chief Executive was given the right to veto individual items of appropriation bills while he might approve others. Congress could make no appropriations not asked for by the heads of the executive departments except by a two thirds vote unless such appropriations were for the legitimate expenses of Congress itself or for the payment of just claims judicially determined upon the Government. The most novel feature of the new constitution was that which gave Congress the right to bring itself into closer relations with the President by granting to the heads of the several executive departments seats on the floor of either house with the privilege of debate on questions concerning their departments. The slave trade was prohibited and congress was given the authority to prevent the introduction of slaves from the United States.

On March the fourth the State convention reassembled for the purpose of ratifying the permanent Constitution of the Confederacy. At this meeting the first question of importance was whether the Constitution should be ratified by the people. The members from central and south Alabama who repre-

sented the Secessionists were again in favor of assuming that the Convention had full powers, while the majority of the Cooperationists from the northern part of the State maintained their opposition. The Secessionists held that so many unrelated questions would be brought up, such as the slave trade, and that since Lincoln in his inaugural address had made a virtual declaration of war, a new Government was an immediate necessity. A majority of the members were finally persuaded not to submit the matter to the people. So the permanent Confederate Constitution was ratified on March 21, with only five dissenting votes.

This was a time of political ambitions and along with them, political jealousies. Yancey was a great leader much beloved but also hated. In a general way he was the popular leader in Alabama. In order that his ambitions and those of the other secessionists leaders might be checked, a cooperationist representative (Earnest of Jefferson County) introduced a resolution making members of the Convention and of the General Assembly ineligible for Congress¹. This resolution was not without justice since the new order of things had been created in great part by these two bodies. This measure was supported unanimously by the Cooperationists and represented the general feeling of the Convention, but it was recognized that so many of the State's

1. Smith, p. 160.

ablest leaders were in the Convention and legislature that Alabama would suffer politically from such a resolution, so the measure was lost by the vote of 50 to 46 ¹.

The question of the African slave trade had come up. Every member recognized that slavery was the direct or indirect cause of secession. The committee on foreign relations believed that the slave trade should be prohibited. Yancey presented two reasons why this trade should be prohibited. The first was that there were as many slaves as were needed, and second, that the prohibition of this trade would tend to induce the border States to enter the Confederacy ². A resolution was finally adopted stating that the people of Alabama were opposed to the reopening of the slave trade for reasons of public policy and that the representatives of Alabama in Congress should be instructed to insist on prohibition.

The Governor of Alabama had sent a commissioner to each Southern State. These commissioners conferred with several governors and legislatures in regard to the questions of the day. This method proved very effective in uniting the various states into an operative Government ³.

In establishing the new order the State Convention had assumed certain duties which were usually

1. Fleming, p. 41-2.

2. *Ibid.*, p. 45.

3. Fleming, p. 46.

performed by the legislature. Citizenship was defined to include only free whites except those who were citizens of the United States before January 11, 1861. A person who was born in a Northern State or a foreign country before this date must take the oath of allegiance to Alabama and renounce allegiance to all other sovereignties ¹. All Government officers were absolved from their oath to support the Constitution of the United States.

The Secession Convention after establishing annual instead of biennial sessions of the legislature adjourned *sine die*, March 21, 1861 ².

The legal theory upon which Alabama had separated from the Union and the inalienable right to establish an independent Government or to join a southern confederacy were not questioned within the confines of the State. As has been seen, however, the Cooperationist party was strong and while their arguments were not against the right to form a new Government, they were against the expediency of so doing. In adopting the new Constitution the State had acted through its Convention as a sovereign body. The precedent for this was the adoption of the constitution of the United States by means of different state conventions which having been elected by the people had assumed independent action. The efforts of some of the Cooperatio-

1. *Ibid.*, p. 50.

2. Taylor, p. 84.

nist leaders to submit the new constitution to a popular vote is evidence of the fact that they were not satisfied with the formation of a new Government. The arguments offered by the secessionists in opposing a popular vote were first the historical precedent and second the expediency of establishing an operative Government at the earliest possible date. If the Constitution had been submitted to a popular vote however, it would undoubtedly have received a large majority since practically the entire press and all the principal leaders were for the establishment of a Southern Confederacy.

CHAPTER V

The War in Alabama.

After the withdrawal of Alabama from the Union her representatives withdrew from Congress and the Governor appointed one commissioner, Thomas J. Judge, who proceeded to Washington to negotiate with the United States Government in regard to the forts, arsenals, and custom houses within the State, and also the State's share of the United States' debt, and the future relations between Alabama and the United States. President Buchanan refused an official conference but was willing to receive Mr. Judge as a private gentleman. Judge declined such an interview and returned to Alabama ¹.

Ex-Senator C.C. Clay, who had remained in Washington, wrote the President a letter concerning the mission of Judge in which he shows, to some

1. Fleming, p. 48.

extent, the feelings prevalent in Alabama during this time. He states that, « Alabama sends her commissioner here to purchase the property which her people prefer to hold in their own defense. Your transfer of troops from northern and western posts to this city (Washington) and to all the Southern forts where you apprehend that the people might take them for their defense to secure peaceful secession, show your inclination to keep them for their coercion... They (the northern and southern states) differ so widely in principles and sentiments, as well as social institutions and habits, that the world knows they are different and uncongenial types of civilization ¹ ».

Many things pointed towards war. The Secessionists had introduced a resolution pledging the State to resist any attempt by the United States Government to coerce the seceding states. It was also proposed that the General Assembly be given power to confiscate the property of alien enemies and to suspend all collection of debts due them.

Alabama had been preparing for war in more or less quiet manner. The legislature had foreseen the possible trouble ahead, and during the sessions of 1859 and 1860 bills were passed to prepare for efficient military organization, to incorporate military colleges and academies, to foster those already in existence and to establish an arsenal. Joint re-

1. Miller, pp. 452-3.

solutions had also been adopted for disciplining the militia ¹.

As a matter of fact acts of war had been committed before the Secession Convention met in Montgomery. On January 4 the Federal Arsenal of Mobile was seized, by order of Governor Moore, as was also Fort Morgan, which commanded the approaches to Mobile harbor. These forts were seized and garrisoned by Alabama state troops ².

Shortly after these acts the Governor addressed a communication to the President of the United States stating that he had taken these steps in order to make secession peaceable. He further expressed the hope that secession might be peaceable, but that Alabama was determined at all hazards to oppose any effort that the general government might make in the direction of coercion ³.

Provision was made for the defense of Alabama and the general regulations of the United States Army were adopted. The Governor was put in command of all military defense, and authorized to obtain supplies for the State's army, to borrow money and to issue bonds. Troops were raised for the State's defense which were to be transferred to the Confederate Government on terms satisfactory to the Governor and the President of the Confederate States. Every effort was made to cooperate with the

1. Acts of Alabama Legislature, 1859-60.

2. Horace Greeley, *The American Conflict*, Vol. I, p. 412.

3. Fleming, p. 61.

Confederate government: forts, arsenals and navy yards being transferred to the latter's control.

Alabama was ready in spirit for the war, with the single exception of a part of the northern section which had strong anti-secession tendencies. There was an effort in this part of the State to create a Union state which was to be called Nickajack¹. Nevertheless, when President Lincoln on April 15, 1861, called for troops to coerce the South all active efforts of this section ceased, and the people, as a rule, fell in with the general Confederate sentiment of the day.

The General Assembly of Alabama, which was called in extraordinary session in March to prepare for war², showed great energy in fostering the military efforts of Alabama. The greatest industrial efforts also were made. Coal and iron were rapidly mined. Private concerns were given government contracts for supplying the army. Orders were given to gather all sorts of odds and ends of materials to be used for military purposes³.

At the second called session of the legislature held in October 1861, Governor Moore in his message stated that Alabama had already furnished 27,000 men to the Confederate Army, and that

1. Miller, p. 455.

2. Taylor, p. 81.

3. Mrs. Pitt Lamar Matthews, *Historical Stories of Alabama*, p. 453.

five more regiments were being formed ¹. The General Assembly gave its efforts to the pressing military and economic questions of the day. Acts were passed to appropriate \$ 250,000 as a loan to any individual who would engage in the manufacture of fire arms under contract with the government, also to appropriate \$ 150,000 to build an iron clad gunboat to protect the bay and harbor of Mobile. Since one of the precious commodities of the day was salt, an act was passed to encourage its manufacture at the salt reservation in Clarke county. Further legislation was enacted exempting from taxation the property of volunteers to the amount of \$ 500. Money was also appropriated for soldiers' homes at Montgomery and other places ². An immense amount of work was accomplished in a period of a few months and by a population of about half a million.

Governor John Gill Shorter was elected in 1861. He was from a blackbelt county and had the sentiments of a real secessionist. He prosecuted the war with the greatest energy. His first message to the legislature closed with the words: « We may well congratulate ourselves and return thanks that a timely action on our part has saved our liberties... and given us, it is hoped, a perpetual separation from such a government. May we in all coming time stand separate from it as if a wall of fire in-

1. Taylor, p. 84.

2. Miller, p. 157.

tervened ¹ ». The legislature pledged itself in all sacredness to preserve the new independence ².

On March 4, 1862, Governor Shorter appealed to the people to turn over to the state agents and officials all implements which could be used for war, such as shot-guns, rifles, bowie-knives, pikes, powder and lead ³.

The response to the call for volunteers had been overwhelming. It was a disgrace for a man to show his lack of spirit by not answering the call. So great had been the outflux that there were few left for home-guard duty. Theoretically the militia consisted of all able-bodied male citizens of Alabama, but it was practically disbanded because of volunteer service to the Confederate Army. There was so little man power left in the State that the question of home defense became serious. Only boys and old men remained at home.

The Secretary of War was in constant need of arms and the official records of the war show unremitting demands from the Governor of Alabama as well as the Governors of all the other States to supply them ⁴. The Governor also requested a new military Department for the counties of Henry, Dale, Barbour and Covington in Southeast Alabama

1. Fleming, p. 134.

2. *Acts of First Called Session of Alabama Legislature, 1861*, p. 142.

3. Fleming, p. 89.

4. *O. R. Ser. I. Vol. X. Part. II*, p. 334.

and desired the authorization to raise six more volunteer regiments which should be permitted to elect their officers under the State laws and then to tender them to the Confederate Government under the command of a Brig. General appointed by the President ¹.

There was a call on the Governor from the President on April 10, 1862 for reinforcements of all the armed men that could be furnished to be sent to General Beauregard at Corinth, Mississippi ². All demands made by the Central Government were complied with by the State authorities until the State was left practically destitute of able-bodied men and entirely destitute of arms except for those which remained in the possession of private individuals. The Confederate Government while unable to really protect the State from the Federal forces could only thank the Governor for the prompt and patriotic response made to the call by the Secretary of War for troops ³.

Both the State and the Confederate Governments were constantly calling for arms. The man power of the State was drawn on to its utmost limits but the question of arms was at all times a serious question. Alabama transferred all arms taken at Mount Vernon to the Confederate authorities and armed besides 11,000 men in the service of the county, so

1. *O. R. Ser. I. Vol. XIV, p. 717.*

2. *O. R. Ser. I. Vol. V. Part II, p. 40.*

3. *O. R. Ser. I. Vol. X, Part II, p. 334.*

when the Secretary made further demands for arms, the Governor stated that while it would give him the greatest pleasure to furnish further arms, that all had been given to the Government except enough to arm 3 regiments for State defence ¹. Besides the calls from the Secretary of State there came a call from General Johnston to the Governor for arms. The Governor replied by offering men but declared that the State was not in a position to supply more arms ².

Every resource of the State was exhausted to give arms and men to the Confederate cause. Men were easier to get than arms. General A. S. Johnston made requisition on the Governor of Alabama for troops which could be armed with rifles and shot-guns. All public arms had gone to the Confederate cause so as a last resort, the Governor obtained the permission from the Secretary of War to requisition such private arms as could be bought at a fair price ³.

There was a general lack of clothing and shoes. The legislature of the State in an effort to aid the Central Government to procure shoes for the Alabama soldiers, passed an Act empowering the Governor to impress shoes, leather and other suitable material ⁴.

1. *O. R. Ser. I. Vol. IV. p. 440.*

2. *O. R. Ser. I. Vol. IV, p. 408.*

3. *O. R. Ser. I. Vol. VII, p. 770.*

4. *O. R. Ser. IV, Vol. II, p. 1967.*

One evening in October 1864 General Beauregard while waiting at a cross roads store in Alabama observed a 17 year old boy in Confederate uniform who had stepped in to warm himself by the open fire and said : « My young friend, you seem to be badly shod. » « Yes, » was the answer, « we are many of us in this condition but let another fight come on with the Yankees and we will all have new shoes ¹. »

The northern part of Alabama soon became a debatable section and remained thus, with various changes of fortune, until the end of the war. There was thus little opportunity for a real political expression of the sentiments of the people. Late in 1863 the State had become in a desperate condition. It was neither in nor out of the Confederacy; neither protected by the Confederate authorities nor under the complete dominance of the Union forces. It remained subject to the demands of the financial and military authorities of the Central Government of the Confederacy, and at the same time it was harrassed by Federal raids from the North. The war leaders at Richmond viewing the military situation with an eye of pure strategy attempted to bring together the entire man power of the South into units to be used as the military situation might demand for the best interests of the Confederacy as a whole ². The local authorities were never

1. Roman, *Beauregard*, Vol. II, p. 872.

2. Stephenson, *The Day of the Confederacy*.

satisfied with the plans of the Central Government in this respect and sought to retain as large a force for home defence as possible.

Many conflicts between the State authorities and the General Government necessarily arose from the nature of the Confederate system of government. The question of states rights and local self-government had been always uppermost in the political thought of the State. The exigencies of war, however, demanded that the Confederate forces be centralized but this situation could be appreciated only with difficulty by a people whose political creed had been quite the reverse.

The authority to suspend the writ of habeas corpus had been conferred on the Chief Executive by two special Acts of Congress. The first Act was of February 27, 1862, and gave the President a general authorization. This Act was however modified by further legislation on April 19 which limited the arrests made by the Confederate authorities and provided that the suspension of the writ should be operative no longer than 30 days after the next meeting of Congress¹. The President took immediate advantage of the Acts of Congress and suspended the writ in various sections of the South including Mobile, Alabama². This assumption of high

1. *Statutes at large, 1st Session*, p. 140.

2. O. R. Vol. VI. Part II, pp. 452, 493, 502, 517; Vol. XIV, pp. 486, 489, 497, 504, 570, 593, 594, 596 P: Du Bose, *Yancey*, p. 682.

authority on the part of the President was never popular anywhere in the Confederacy, and the efforts of the people who believed in State Rights and the local self-government were always directed towards divesting the Chief Executive of this war power.

In the Alabama newspapers of the latter half of 1863 strange incidents are to be found throwing light on the administrative difficulties. The suspension of the writ of habeas corpus had caused the greatest political dissatisfaction. The Second Statute which empowered the President to suspend the writ and to proclaim martial law had expired by limitation in Feb. 1863. The Alabama Courts then came theoretically into full operation, but while martial law was in force the military authorities had acquired the habit of arbitrary control, which they did not wish to relinquish. Though they were warned by the Richmond authorities in General Orders that they must not arrogate unto themselves a power vested in the President alone, they continued their previous action. It then became necessary for the Central Government to issue further General Orders annulling « all proclamations of martial law by general officers and others » not invested by law with adequate authority ¹. So deeply were the rights of civil government anchored in the people that all the terrors of war and invasion did not cease to make them re-

1. Stephenson, p. 417.

bel at the suspension of their ancient rights of liberty by the military authorities.

Neither the expiration of the Statute, nor the General Orders from Richmond seemed able to put an end to the interference with the local courts on the part of the local Commanders. The military seemed determined to dominate while the civil authorities were not intimidated in any degree. The difficulties apparently increased in 1863. An instance is recorded in this year where we find one Rhodes desperately trying to prove himself exempt from military service. He was however enrolled by the officers of the local military authorities. The Sheriff attempted a retaliation by the arrest of the Colonel in command of the local force. The soldiers then rushed to defend their Colonel who was ill in bed in a house some distance away. The judge who had served the writ of arrest became angry with this military interference in civil affairs, whereupon the soldiers seized him. They soon recognised for some unaccountable reason the majesty of the civil law and released the Judge. The incident was closed by the Colonel determining to carry the case to the Supreme Court of the State, in which case the matter would have rested with the civil authorities. The Courts of the State never lost their authority to the extent that might have been expected in a war of such magnitude and proportions ¹.

1. Stephenson, pp. 417-448.

After the military reverses of Forts Henry and Donelson, President Davis forced through Congress the Conscription Act in the spring of 1862. The individualist tendencies of the State were naturally antipathetic to such a form of centralization in the hands of the General Government. This Act led to a disagreement with the Central Government on the part of all the States, that enlarged as time went on. The Confederate Government was without a Supreme Court and the test of the constitutionality of the question could only be obtained through the Supreme Courts of the several States. The Attorney General of the Confederate States attempted to overcome the question of constitutionality of the Act in an opinion which he rendered soon after its passage. There was a divergence of opinion as to the Confederate States Government. The greater party was naturally in favor of States Rights. The smaller faction which was led by the Administration did not deny the validity of the States Rights theory, but was practical enough to recognise that a centralisation of forces was necessary in a war such as they were waging. In the Attorney General's opinion of May 16, 1862 ¹, he considered fully the question of the relations between the State Governments Government and the Confederate and upheld the conscription Act by deciding in favor of a strong centralised power for the prosecution of

1. Attorney General Davis to President Davis, May 16, 1862. Attorney General's Opinions.

the war. Conscription was evidently not the will of the several States but the Administration was at that time in strong influence and the Courts of the various States upheld the constitutionality of the Act as a necessary war measure. The Supreme Court of Alabama upheld the Act which later caused grave differences of opinion between the State and Central Government ¹. There was a wide difference of views ; some held that conscription was within the range of the powers delegated to Congress which was sovereign, and others held that the Central Government was entirely devoid of sovereignty which power they attributed to the several States. The Court of Alabama however held that the power to declare war and raise armies was an attribute of sovereignty which had been justly delegated to the Confederate Government.

The Governor of Alabama while never really approving conscription as a political principle still attempted to sustain the Administration in making it effective. One difficulty in enforcing this plan lay in the fact that men were reluctant to leave their unprotected families while there was an immediate prospect of invasion. The men however seemed ready to take up arms in the immediate defence of their homes. It was admitted that some men were disloyal but this class was small and their disloyalty took the mere form of not desiring to

1. 38 Alabama 429 O. R. 45, II. 177.

be drawn into the military service. The Governor considered that many who were evading conscription by the Confederate forces could be induced to enlist in the State service for a period of 30 days. At the expiration of that time and by the aid of the military organisation he considered that they could be transferred to the military service of the Confederate States. This method of obtaining military service of those who avoided conscription was recommended by the Governor as a last resort since he was doubtful that any other means would accomplish the object ¹.

The small units necessary for home defence were interfered with by the Confederate enrolling officers, much to the indignation of the State Governor. The legislature, dissatisfied with the high-handed acts of the enrolling officers, passed an act providing that the conscript officials who had impressed into the Confederate service those exempted by the State authorities should be liable to indictment and on conviction subject to a fine of from \$ 1000 to \$ 6000 and imprisonment from six months to two years ². It also took the drastic step of nullifying the laws of Congress by declaring that State officials, both civil and military were exempt from conscription by the Confederate authorities ³.

In May, 1864, the Governor wrote to Seddon,

1. *O. R. Ser. I. Vol. XV, p. 939.*

2. *Acts of the General Assembly, Dec. 12, 1864.*

3. *Ibid.*, Dec. 13, 1864.

secretary of war, as follows: « It must not be forgotten that the states have some rights left, and that the right to troops in time of war is granted by the Constitution. These rights on the part of Alabama, I am determined shall be respected. Unless you order the commandant of conscripts to stop interfering with (certain volunteer companies) there will be a conflict between the Confederate General (Withers) and the State authorities ». The Confederate authorities yielded to Governor Watts in this affair ¹.

In November, 1864, the Governor complained to General Withers that the conscript officers had been enrolling State officials who held exemption certificates. The Governor expressed himself in unmistakable terms by saying, « This state of things cannot last without a conflict between the Confederate and State authorities. I shall be compelled to protect my State officers with all the forces of the State at my command ». Upon receiving an unsatisfactory reply from the General, the Governor then wrote the Confederate Secretary of War, « Unless you interfere there will be a conflict between the Confederate and State authorities ». The Secretary of War replied by leaving the matter to the courts, and it can be assumed that the Governor had won the victory ².

1. *O. R.* Ser. IV ; vol. III, pp. 463-4.

2. Fleming, p. 404.

The Governor was given power over the militia, though without authority to call it out beyond the county to which it belonged ¹. This was done because the legislature wished to keep at least a semblance of State authority in order that all might not be swallowed up by the general government. The War Department held, however, that all militia was subject to the superior claims of the Confederate Government, but that the State could keep troops of war for her own protection over which the Confederate Government could exercise no claim. Since this viewpoint was taken of the militia, the Alabama legislature made no effective reorganisation of this branch of the service, and when invading forces came through the State the small forces of home defence were ill organised and too weak for effective service.

Further jealousy is shown by the fact that the legislature prohibited Confederate army officers from commanding the reserves ². When the citizens of Dale and Henry county appealed for help they were allowed to organize and protect their homes, provided they were commanded by militiamen ³. Even in these perilous times we find that the sentiment for local government was very strong.

The Chief Executive of the Confederacy had serious differences with some of his Senators. The

1. Acts of General Assembly, Aug. 29, 1863.

2. *Ibid.* Oct. 7, 1864.

3. Fleming, p. 94.

most conspicuous difficulty was with Yancey, the Senator for Alabama. Yancey was the most pronounced advocate of State Rights and chafed bitterly under the centralization that the Administration had assumed in the prosecution of the war. He had disapproved the conscription Act, although the exigencies of war and the force of public opinion at Richmond had constrained him to vote for it. He combated many measures of the Administration and protested against the usurpation of power by the Central Government. The Administration had used a wise judgment in the selection of officers, allowing military capacity to take precedence over political preferment. Yancey however considered that Alabama did not have a fair proportion of Brigadier Generals and addressed a letter to the President to that effect, suggesting the promotion of certain men. This letter received a rather curt reply from the President in which it could be noted that he had no intention of letting himself be dictated to by the Alabama Senator ¹.

Towards the last of the war the individualistic policy of the legislature was productive of evil results. Had they shown a more sympathetic attitude toward the Confederate Government and used the State's units of defence generally rather than locally, there would have been better execution of the laws and a more substantial means of defence.

1. Du Bose, *Yancey*, p. 667, et seq. also letters in the appendix.

Especially would this have been true in the northern part of the State, which was over-run by deserters, federal troops and union sympathizers. The loyal families would have been better protected.

As the war advanced the pure volunteer system could not be relied upon, so the State Government, as well as the Confederate Government, showed the greatest energy in raising and maintaining an army by conscription. The enrolment act of 1862 made all white men between the ages of 18 and 45 subject to military service ¹. The State legislature authorized the Governor to exempt from military duty only railway, express, steam boat and telegraph employees ². The legislature in a joint resolution called upon Congress to decrease the list of exemptions since many of these exemptions covered work that could be done by negroes ³. They further requested that the conscript law be effectively enforced by Congress ⁴. It is true that few good soldiers were gained by conscription, but the morale of the army was sustained thereby. It prevented desertions and men who remained at home were there for a cause. The legislature followed the plan of Congress in its list of exemptions, releasing all persons over 45

1. Acts of General Assembly, 1862.

2. *Ibid.*, Jan, 31, 1861.

3. *Ibid.*, Aug. 29, 1863.

4. Resolution of General Assembly, Dec. 4, 1863.

years of age, county treasurers, physicians of seven years practice or who were in the public service, ministers, teachers of three years standing and such men whose work was necessary to the physical existence of the State. In addition to these the Governor could make exemptions ¹.

During the latter part of 1863 the number of deserters in the State grew very rapidly. The Northern part of the State which had been subject to frequent invasions became the gathering place for many disaffected soldiers who apparently defied all efforts to force them to return to the Army or to scatter or arrest them ². As the war progressed with more or less continual misfortunes to the Confederate arms, desertion increased. These desertions were not the result of a lack of patriotism or loyalty to the cause but were in greater part due to the lack of food and clothing and a desire to aid the destitute families. The call for the latter purpose was incessant almost from the beginning of the war.

Conscription was never any more popular in Alabama than in the other States. The people in general assumed a rebellious attitude towards the Act and the public officers opposed it. The spirit of the people was too proud to tolerate with subjec-

1. Acts of the General Assembly, Aug. 29, 1863.

2. Jones, *Diary*, I, p. 482; *O. R.* Ser. I, pt. 2, Vol. XXVI, pp. 549-57; XXXII, Part III, p. 684; XXXIII, Part III, pp. 746-8, 761; Ser. IV, Vol. II, pp. 253, 638.

tion such a law. It was stated that the Act had arrested volunteering and the Government admitted that its enforcement had been a failure. In addition to the dissatisfaction felt for the Conscription Act, the exemption law was a subject of dissatisfaction¹.

As the soldiers became weary of the war desertion became a more serious question for the authorities. Conscription, which had always been unpopular, was evaded by many. The wretched fare in the Army and the news that their people at home were destitute or in the hands of the enemy led to much discouragement and desertion. It was estimated that there were 8000 to 10,000 deserters and « Tory conscripts » in the mountains of North Alabama. They had banded together and resisted the attempts of the military authorities to lay hold of them². This state of affairs was not confined entirely to Alabama but existed to a greater or less degree in Georgia, North Carolina, South Carolina and Virginia. The President of the Confederate States called upon every man who was absent without leave to return to his post of duty and promised a general pardon and amnesty to all officers and men who would return in 20 days. He further urged the « wives, mothers, sisters and daughters of the Confederacy to use their all powerful influence in aid of this call », and that they should see to it that no one

1. *Note on Ex-laws*, Ser. I, Vol. XVII, Part II, pp. 788-792.

2. *O. R.* Ser. IV, Vol. II, p. 680.

who owed the Confederacy service in the field should be sheltered at home ¹.

In 1864 the Supreme Court of Alabama went a step in advance of the Confederate Government by declaring that the State had a right to subject to militia service certain persons exempted by the Confederate authorities. From April 1862 to February 1865, 14,875 men were enrolled as conscripts. In the northern part of Alabama where the anti-secession sentiment was strong, a very great number escaped conscription. The physical examinations were not very strict as shown by the fact that 3,933 exemptions were made in 1863 for physical disability ².

The strong adherents of States Rights were always opposed to conscription. Public opinion had forced all the good men into the war and conscription was borne only as a necessary evil. The word « conscript » bears the greatest odium in the State to this day. In the discussion as to whether conscription was constitutional a test case was carried to the Supreme Court of Alabama where it was decided that if one had conscientious scruples against carrying arms he might hire a substitute and be relieved of State service, but this did not exempt him from Confederate service unless he belonged to a specially exempted religious denomination ³.

1. O. R. Ser. IV, Vol. II, p. 687.

2. Fleming, p. 406.

3. *Ibid.*, p. 97.

The military efforts led the legislature to seek every available source for man power, so resolutions favoring the employment of slaves for military purposes were introduced. As early as June 1, 1861, negroes were employed in constructing fortifications at Charleston, South Carolina, and at the commencement of the war Virginia had accepted free negro volunteers. Alabama organized a free volunteer regiment consisting of as many as 1400 negroes¹. The employment of slaves took a non-combatant form, the intention being that the slaves be used for menial labor thus relieving as many troops for combatant service as possible². A bill was introduced by Dargan to receive creoles into military service³. Thus every vestige of man power was brought into use and we find the modern form of mobilization of all national resources.

From all parts of the country there came calls upon the Central Government for protection. A political consideration of the individualistic tendencies of the States would have impelled the Central Government to listen to these calls had not the military authorities at Richmond realised that the hopes of winning the war lay in centralization ra-

1. *Great Debates in American History*, edited by Marian Mills Miller, Vol. VI, p. 4.

2. Edward McPherson, *The Political History of the United States of America during the Great Rebellion*, p. 282.

3. *Ibid.*, p. 282.

ther than in a dispersion of forces. Alabama was open to two main roads of attack from the Federal forces. The first was through the northern section of the State which was soon harassed by the enemy, and the second was by way of Mobile Bay. On December 1, 1862 the Committee of Public Safety in Mobile addressed a letter to the Governor of the State calling for assistance. This letter was similar in tone to many letters from all sections of the South addressed to the Central Government in Richmond. « We fear that other points have too much monopolized the attention of the Government and that our wants have been postponed. We apply to you as the head of our Commonwealth to come to our aid with your efficient influence. Alabamians have shed their blood and ennobled the State in every field of war. Shall the gateway to the homes of their mothers, wives, and sisters remain inadequately protected by the Government whose glory they have so illustrated¹ ».

The Governor was incapable of sending any real military assistance to Mobile but sent the memorial of the Commission on Public Safety to the Secretary of War. The Governor showed great consideration in his letter to the War Department for the magnitude of the troubles confronting the Administration, adding « I hope it may be in your power to provide for these wants and that your means may

1. O. R. Ser. I, Vol. p, 889-90,

be made available before the enemy can make his appearance. The importance of Mobile invites his attack in force and with the means of defence called for at hand and in position I shall rely with confidence upon the skill and energy of the military and naval commanders, the courage and ardour of those under their command and the spirit of determination of the people that when the struggle ends Mobile will be ours ¹ ».

So numerous were the calls that the War Department was forced to use its discretion as to the military necessities of the day. The Governor was informed, however, by the War Department that the President was on a visit to the head-quarters of the different armies of the Southwest and would probably visit Mobile in the near future, adding that « Your Excellency may be assured that the impending invasion on the part of the enemy has been prepared with great care and with a profusion of means almost without parallel and that it behooves every man in the State of Alabama and in the whole Confederacy to be ready to do his whole duty in repelling it ² ».

Besides calls on the Secretary of War for assistance, Governor Watts called upon General Polk (Jan. 30, 1864) to give military assistance to Alabama. « General, I presume not to dictate to you

1. *O. R. Ser. I. Vol. XV, p. 888.*

2. *O. R. Ser. I. Vol. XV, p. 893.*

but I suggest whether the public interests do not require that General Clanton and his whole armament should not be sent to North Alabama ¹ ».

In a letter (from Governor Shorter) to General H. Cobb of August 4, 1863, Governor Shorter points out that deserters and outlying conscripts were infesting the lower parts of Henry county upon the border of Florida. These deserters and fugitive conscripts hid themselves in the swamps of the Chipola river and its tributaries. They formed a sort of band of outlaws and kept the loyal citizens disturbed by threats and depredations. The Governor urged General Cobb to take measures against the disloyalists ².

There was a call from the Governor to the War Department for the force of General J. T. Morgan to be used against the enemy in North Alabama. This was granted ³. Besides appealing to the Confederate Government for assistance the Governor in a letter to General J. E. Johnston called attention to the desperate military plight of the State ⁴.

The war ravaged the northern section of the State. Much of the territory was swept clean of cattle and left almost destitute of foodstuffs. Huntsville had been the scene of constant raids. A local correspondent of Huntsville wrote a bitter letter

1. O. R. Ser. I. Vol. XXVI, Part II, p. 554.

2. O. R. Ser. I. Vol. XXVIII, Part II, p. 273-4.

3. O. R. Ser. I. Vol. X, Part II, p. 794.

4. O. R. Ser. I. Vol. XXIV, Part III, p. 4035-6.

denouncing South Alabama which he declared had not known what war meant. He accused the people of hardness of heart towards the sufferings of their fellow countrymen and of caring only to make money out of war prices¹. The fact is the central or Black Belt section of the State was rich in food supplies but lack of transportation made this impossible for use either in North Alabama or in other parts of the Confederacy. Many poverty stricken women came from the northern section of the State into the Black Belt where they obtained food supplies.

The many restrictions of the war caused dissatisfaction. While the utmost patriotism was shown, still conscription, the tax-in-kind for support of the army, revenue and specific taxes under acts of Congress, and the tax for the support of the State government and redemption of bonds were burdens of which any people would have complained².

As the war progressed with military disasters for the South, despondency and discomfort entered the public mind though there was evidenced no official desire nor any intimation in the press of giving up the struggle until the State had gained her independence. There was a feeling that things in general had gone wrong and the public had to a

1. Stephenson, p. 418-419.

2. Taylor, p. 82.

large degree lost confidence in the Administration and in Congress. A State official wrote « The Government has lost the confidence of the people ¹ ».

Practically the entire man power of the State had been in the Confederate Army. At the time of secession the military forces of the State were constituted in an organized militia which was strongly recruited at the outbreak of hostilities and came under the command of the Central Military authorities at Richmond. While the State thus gave all of her military forces, still she strove to maintain her political integrity.

The three questions of greatest irritation to the State authorities were the suspension of civil liberty, conscription, and exemptions. The political history of the American colonies and particularly of the Southern States had placed personal liberty as the highest right and local self government was considered as the *sine qua non* of the political regime. The suspension of habeas corpus by the Central Government thus challenged these rights, and and while the opposition was not voiced in such an arrogant manner as we find in the states of Georgia and North Carolina, still the feeling in all circles was greatly opposed to martial law.

The chief opposition to conscription was the method by which the Central Government operated.

1. *Chief Commissary of Subsistence*, Jan. 25 ; O. R. Vol. XLVI, Part II, p. 4221.

The State officials in always attempting to safeguard their proper authority rebelled at any infringement by the Confederate authorities, and in certain cases where military authorities violated the state laws which were in conflict with the laws of the Central Government, the State authorities undertook to punish the officials, thus nullifying the acts of the Confederate Congress.

The conflict over the question of exemptions arose from the fact that the state and Confederate law were not in accord. The State law held that all State officials both military and civil should be exempted from the Confederate conscription laws, while the Supreme Court of Alabama maintained that certain persons exempted from military service by the Confederate Government could be forced into the State service.

All these difficulties resulted as a matter of principle by which the State was attempting to maintain her individuality. These questions were rather technical than vital, since in the great effort to gain her independence the State showed herself willing for any sacrifice, even to the point of calling upon Congress to decrease the number of persons to be exempted, but at no time, however, was she willing to subject her independence to the central authorities at Richmond.

The State could not exert any considerable authority in her protests to the Confederate Government since all her troops were in the Confederate armies

and on distant battlefields, but she took occasion to make known to the Richmond government her disapproval of any encroachments upon her independence.

CHAPTER VI

The Economic Policy.

Practically from the date on which war was declared the economic situation in Alabama became serious. The people were almost entirely dependent on the North and foreign countries for even the simplest manufactured articles. The northern line of the State was held by Union soldiers early in the war, Mobile was very effectively blockaded and communication with the other parts of the South was ineffective, so it was necessary for the State government to use decisive measures in its economic policy. Many situations arose which were almost unendurable but with an official management by the State and Confederate governments which showed under the conditions extraordinary energy much suffering was averted.

The development of mining and manufacturing industries in Alabama had been neglected. The State is exceedingly rich in both coal and iron, but its wealth had been presumed to lie in negroes and

cotton and these latter factors had received the fullest political and commercial attention. The necessity of creating a domestic source of supplies, which had formerly come from the North or from abroad, and were now interrupted by the blockade, led to industrial efforts on the part of the State. The Government authorities were chiefly concerned with the manufacture of gunpowder and war material. When the war broke out there were no powder works in the Confederacy, but in a few months some were in operation in Alabama and other States ¹. Works for manufacturing shoes and saddlery were opened at Montgomery.

The planters of Alabama in whose very districts an abundance of iron ore existed underground, could not obtain this material in sufficient quantity to « make and repair their agricultural implements » ².

Inconveniences were felt from the scarcity of practically all articles of prime necessity. Newspapers were reduced in size and printed towards the close of the war on halfsheets. The editorials were written on any scraps of paper that could be found. One Alabama Editor used a shingle ; when one editorial was set up, he would wipe it out and use another ³.

1. O. R. Ser. IV, vol. I, pp. 292-4, 555-6.

2. O. R. Ser. IV. vol. III, p. 4.

3. *Rhodes Hist. of U. S.* 4850-77. vol. V, p. 357 ; *Mobile Advertiser*, Feb. 3-1864.

Women and civilians were greatly handicapped for all manner of clothing and shoes. People resorted to the most primitive methods of supplies of all sorts. Homespun clothing was made and worn by all «. In the homes of our noble and devoted women », said President Davis in his message of Jan. 12, 1863 «, without whose sublime sacrifice our success would have been impossible, the noise of the loom and the spinning wheel may be heard throughout the land »¹. Gentlemen wore homespun coats and ladies wore homespun gowns. The remnants of Paris gloves and gowns were carefully preserved to be worn on great occasions.

A patriotic movement at the beginning of the war led to a strong effort to economize. Luxuries were banned both for patriotic reasons and because of the scarcity thereof. As the war continued, however, the inflation of the currency tended to produce speculation. With the constant fall in the value of notes there was a tendency to invest in commodities. Any article purchased could be speedily resold at a higher price and this greatly encouraged speculation. In an effort to reduce speculation, the State passed a law in 1861, prohibiting all purchases of commodities for the sole purpose of creating a shortage and thereby sending up prices². Cotton was the chief State asset which fell in value,

1. O. R. Ser. IV, vol. II, p. 350.

2. Acts of the General Assembly, Nov. II, 1861.

considered on a gold basis, from the price in 1860, and this was due to the blockade. This commodity was, however, sold at a far higher price abroad and in the North.

Alabama had to return to the more primitive method of spinning and weaving in order to supply the general needs of people. The legislature in pursing the policy of economic assistance passed a law giving a bonus of five and ten cents apiece on all cotton and wool cards made in the State ¹. Cotton mills were established as early as 1861 ². The State also began the manufacture of many articles necessary for civilians and destitute persons as well as for the army ³. There was also a great shortage of salt so that the State began to manufacture this commodity ⁴. The demand for salt had become so great that the State issued supplies to the poorer people, and authorized the Governor to take over all supplies of this commodity, giving the owners, however, a just compensation ⁵.

Even though there was a great deal of suffering, still the State had made great strides in industrial development. Governor Moore addressed the General Assembly on October 28, 1861, as follows: « Mecha-

1. Acts Second Called and First Regular Session, Dec., 1861.

2. O. R. Ser. IV, vol. I, p, 493.

3. Acts of Alabama Legislature, Dec. 13, 1861.

4. *Ibid.*, Nov. 11 and 19, 1861.

5. *Ibid.*, Nov., 9, 1861, Dec. 9, 1862.

nical arts and industrial pursuits, hitherto practically unknown to our people, are rapidly increasing and the inconvenience which would result from the continuance of the war and the closing of our ports for years would be more than compensated by forcing us to the development of our abundant resources, and the tone and the temper it would give to our national character. Under such circumstances the return of peace would find us a self-reliant and truly independent people ¹ ».

The men went into the army in such great numbers that much suffering resulted, especially in the poorest sections of the State where there were few slaves. This created new burdens for the State government. Early in the war the legislature levied a special tax to provide for destitute families of volunteers ². The matter was also referred to the counties in order that more immediate relief might be obtained ³. The greatest energy was shown by the General Assembly to relieve suffering among the poor ⁴. The care of soldiers's families had become a new feature of government. The pay of the soldiers was only 11.00 \$ per month besides their food and clothing. On this allowance with the inflated condition of the currency he was unable to meet even his own needs. So great was the number of families

1. O. R. Ser. IV, vol. I, p. 714.

2. Acts of General Assembly, Nov. II, 1864.

3. *Ibid.*, Dec. 29, 1864.

4. Acts of General Assembly, Nov. 8, 1862, Oct. 16, 1864.

affected that the policy of assistance was a question of prime magnitude for the State Government.

The burdens of the war were greatly aggravated because of the Government system of impressment. The Army did not rely for its supplies on the voluntary sale of commodities. Congress had been persuaded that the Government could avoid paying exorbitant prices for supplies by providing for Boards of Assessment which determined the value of impressed goods, in cases where the owner and the Military Authorities could not agree upon a price¹. The President and the Governor of Alabama co-operated in appointing Commissions to publish official price schedules at stated intervals which the impressing officers were to follow in procuring supplies for the army. The policy of both the Central and the State Governments was to encourage the increased production of foodstuffs and the sale of surplus commodities to the Government.

The Military authorities, by means of the impressment laws exercised an arbitrary power which led to a certain amount of oppression being carried out under cover of the law. Soldiers and other irresponsible agents seized goods without the legal right to sign for the same. The Alabama legislature tried to correct this evil by introducing resolutions to restrain these unlawful proceedings².

1. Act March 26 1863.

2. Schwab, 207.

These impressment laws aggravated the burdens of the civilian population and led to a considerable amount of unrest throughout the State and the South. The available supply of food decreased, as such agricultural products which did reach the town and cities were in danger of being seized for Government use, and paid for at a price lower than the market rate.

The Governor of Alabama thought impressment ought to be stopped and that supplies should be bought at the market price. In this opinion he was supported by many important leaders of the Confederate States ¹. The War Department seemed to have been correct in its policy of the tax-in-kind and impressment, since money had become so valueless. The South had practically no specie for a fiscal system consisting of a redeemable currency. With her ports closed by the blockade she had no chance of obtaining foreign credits. The resort therefore to the tax-in-kind and to impressment was the only effective method by which the Government could exercise sufficient control over the commodities required to carry on the war. Although this system was hard upon the farmers, yet it was a military necessity.

The evils of impressment were soon apparent and were fully appreciated by the War Department, and some attempts were made to correct the

1. O. R. Ser. IV, vol. II, p. 944 ; vol. III, pp. 37, 590, 662.

abuses. Inexorable necessity, however, had led to this policy, and the Administration could not abandon it. ¹ General Lee admitted that the system was objectionable in many ways and not calculated to bring out fully the resources of the country but that it was absolutely necessary for the needs of the army ².

All the State's forces were drawn upon to meet the exigencies of the war. A people primarily agricultural was forced to learn industrial pursuits. Although the manufacture of munitions of war took the first place, yet the introduction of textile manufactures and the establishment of iron works by the Government was the beginning of a new economic era for the State, and opened out new fields of enterprise which yielded a large proportion of the revenue of the State in later years.

The letter and the spirit of the Confederate and State Constitutions were opposed to the Central Government assisting in internal improvements such as railroads corporations. The Constitution was, in fact, decentralising in its intent and all projects were supposed to be undertaken by individual initiative, and without patronage from the Central Government. The immediate necessities of the war, however, overrode such an interpretation by the

1. *O. R.* Ser. IV. vol. II, p. 4009; vol. III, pp. 3 414, 337, 562, 689.

2. *O. R.* vol. XXXIII, p. 4144.

authorities and the assistance given to railroads and manufacturing enterprises came under the category of military necessity.

By giving economic assistance the State assumed a paternal policy that was not contemplated in either the Confederate or State Constitution. The result of conscription left families in the poorer sections of the State where were few slaves so destitute of man power that normal agricultural pursuits could not continue in sufficient proportion to maintain a living for the people. In some sections invasion was frequent and the destruction of supplies caused great suffering, while in other sections, where the land was rich and slaves went about their normal agricultural work, there was a great production of foodstuffs. So the State Government, acting in the interests of the suffering people, inaugurated a policy of economic assistance that had neither been foreseen nor provided for in the Constitution. This policy, and the energy which the State Government attempted to crush speculation, tended greatly to mitigate the sufferings of the war.

The General Assembly requested the Confederate Congress to exempt from payment of the tax-in-kind the people of north Alabama who were subject to northern invasion, it was also asked that soldiers' families whose support was gained by white labor be exempted from such taxes.¹ This

1. Resolution of the General Assembly, Nov. 28, 1863.

was a benefit law for the northern and southeastern sections of the State.

In case the poor were unable to buy supplies the county commissioners were authorized to requisition what was necessary for their support.¹ By special acts of the legislature certain counties were permitted to borrow money and to take various effective means to prevent suffering.²

The progress made by Alabama during the war was however considerable. Iron blast furnaces were established: one furnace owned by the Government turned out an average of 13 tons daily for a month. Within the year ending October 1, 1864, four furnaces had been burned down by the Federals or abandoned because of their inroads.³ While Alabama produced cotton in large quantities and had the necessary coal and metals within her borders to manufacture goods before the war, still she had relied on importation for practically all her cloth. The war started textile industries, which were encouraged by subsidies from the State Government.⁴

In the midst of such economic conditions Thomas H. Watts was nominated for governor. In a speech to the people of Butler County, he expressed his firm confidence in the ability of the Confederacy to con-

1. Acts of the General Assembly, Aug. 27, 1863.

2. *Ibid.*, Aug. 27, 1863, Dec. 4 and 7, 1863.

3. Ford, Vol. V. pp. 391-2.

4. Alabama Acts-Rec. 4, 1864, Nov. 8, 1862,

quer a worthy peace and dwelt at length on the resources of Alabama which he believed to be greater than at the beginning of the war. ¹ These new resources were, however, mostly military; such as, the Selma munition works and other manufactories, which availed little for the mass of the people. However, it is possible that Alabama reached a greater production in manufacture in 1864 than ever before. ²

Watts was inaugurated governor on December 1, 1863, and everything possible was done to stimulate the public spirit. In the evening a reception was held at the Governor's home at which he wore a homespun suit. ³ « The reception was brilliant in the extreme and the delicacies placed before the visitors were so profuse in quantity and so artistically gotten up than none would have imagined hard times to exist in any portion of the Confederacy ». ⁴

The counties of the State which were least loyal to the Confederate cause or which were overrun by Federals were aided without any discrimination. ⁵

One of the greatest difficulties of the day was transportation. Military operations and poor railroad facilities made distances very great. There never was a shortage of food in the Black Belt. The

1. *Montgomery Weekly Advertiser*, Oct. 23, 1863.

2. Miller, p. 231.

3. Culver, p. 435.

4. *Montgomery Weekly Advertiser*, Dec. 9, 1863.

5. Acts of the General Assembly, Dec. 9, 1864

corn cribs of this section were filled with grain since the cotton crop was, by law, restricted to a small acreage. ¹ So while people were suffering in one part of the State, those in other sections had plenty.

It is estimated that one-fourth of the white population of Alabama was supported by the State and county governments from 1863 until the end of the war. ²

Speculation was rife in the State and served to drive up prices. The governor condemned the speculators in a proclamation, ³ and the legislature attempted to destroy them by law. ⁴ It was further enacted that no middle man could sell corn without a license from the judge of probate and that at a profit of not more than twenty per cent. ⁵

This economic assistance was given by the State as a purely patriotic and humanitarian measure. There seems to have been no ulterior motives to revive morale. Every effort was made to give assistance to the poorer counties and even many thousand dollars worth of provisions were furnished to the northern counties while they were within the Federal lines, and were known to be centers of political activity against the Confederacy.

1. Miller, p. 229.

2. *Ibid.*, p. 229.

3. *O. R.*, Ser. IV, Vol. 1, p. 701.

4. Acts of the General Assembly, Nov. 8, 1862, Nov. 11, 1862.

5. *Ibid.*, Dec. 8, 1862.

CHAPTER VII

The Financial Policy.

On December 4, 1860, the Governor foreseeing the secession of the State addressed a letter to the President and directors of the Central Bank of Alabama to the effect that it would be necessary for the State to raise at least a million dollars in specie. For this purpose he advised the suspension of specie payment as a patriotic move, at the same time promising to urge the State legislature and convention to sanction the act. ¹ This letter of the governor met with almost unanimous approval and the banks were prepared to make a loan to the State of the amount required. They did not wait for the convening of the State Legislature but acted upon the request of the Governor and suspended specie payments holding their coin for any emergency that might confront the State. Specie payment was accordingly suspended on Dec. 17, 1860. ²

1. Smith, pp. 38-9.

2. Dubose, *Yancey*, p. 554; *O.R.* 4 Ser, Vol. 1, pp. 31-2.

This action was before the Secession Convention met and showed that the political machinery as well as the financial anticipated a struggle with the United States Government. Some banks in Mobile and one in Huntsville, however, did not act upon the Governor's recommendation and declined to suspend specie payment.¹ When the State legislature met it upheld the Governor's letter and accordingly suspended specie payment on Feb. 2, 1861. The suspending banks were required to subscribe to specified amounts of State bonds which were to be paid for in coin if the Government so desired. This measure gave the State practical control of all the available specie within its borders. The advantage thus acquired was so evident that the Legislature by an act of Dec. 9, 1861 legalized the suspension of specie payment until one year after the establishment of peace. This was done, however, on the provision that the banks should accept Confederate notes at par and limit their rate of discount to eight percent. The suspending banks were further compelled to lend the State two million dollars in order that she might pay her quota of the war tax on Aug. 16, 1861. Each bank was forced to contribute to this loan in proportion to its capital. The suspension of specie payment by which the banks held their currency in reserve for the Government found precedent in the fact that on Dec.

1. *Bankers Magazine* XV, p. 584 (Jan. 1861).

19, 1857 the suspension of specie payment had been legalized in the case of two Alabama banks on the condition that they pay into the State treasury two hundred and fifty thousand dollars within three months. ¹ Since the State had taken these steps to gain control of the available amount of currency it was evident that the financial system would be reduced to a paper money policy. The banks were accordingly given the authority to issue bills on the bonds which they had bought from the State Government. These bills were acknowledged as having full value by the Government since they were receivable as taxes. The banks were pleased with the new financial transactions, the Government had control of the specie and the money had real value in the first days of the new regime. ²

When the ordinance of secession was passed the State's financial condition showed a bonded debt of \$3,445,000 of which amount \$2,409,000 was held in New York and \$1,336,000 was payable in London ³. Most of this bonded debt was the result of the acts of the legislature passed in 1843-5-6. The bonds were to mature at the end of twenty years but the State had reserved the right to extend them at maturity.

Alabama was enjoying an era of great prospe-

1. Sumner, *History of Banking, U. S.* p. 434.

2. O. R. Ser. IV, Vol. I pp. 697-200.

3. Governor Robert M. Patton, *Adress to the People of Alabama, Montgomery*, July 11, 1868.

perity, the amount of her debt shows the amount of confidence that the financiers of New York and London had in her ability to pay. The per capita tax in the State was eightysix cents while the average for the United States was \$ 1.72 ¹.

The Secession Convention gave the General Assembly practically unlimited power to issue bonds, but money could not be borrowed for purposes other than military, except by a two-thirds vote of both houses ².

The legislature as soon as practicable provided for a bond issue of \$ 2,000,000 for defense ³, and passed an act authorizing the appropriation of \$ 500,000 as a loan to the provisional Confederate Government. Another act authorized the Governor to issue \$ 1, 000,000 which should be received as taxes.

As the war progressed greater need arose for money and more bonds were issued. So in the winter of 1862 the General Assembly passed acts authorizing the Governor to issue bonds drawing six per cent interest and running for twenty years to get money to repair the State treasury, also to issue treasury notes bearing five per cent interest which should be received in payment of taxes ⁴. There are cases of cities issuing notes, chiefly in small denominations. Private corporations natu-

1. *The Confederation, Montgomery, Ala.*, Jan. 15, 1859.

2. Fleming, p. 164.

3. Miller, p. 152.

4. Miller, p. 168.

rally followed this example in order to give money to the eager public and to facilitate business transactions. These latter notes, however, were issued without legal sanction. The evil spread until private individuals in turn issued their promissory notes. These notes which were naturally worth little in value were signed by men who had business dealings with a large class of people. Such notes were called « shimplasters » in derision of their worthless value. This large amount of different kinds of paper money tended to a great confusion in the currency and led to a more aggravated form of speculation. The question of cities and corporations issuing notes was a matter that the state governments were left to deal with since Congress took no steps to repress the circulation of notes other than those of the central Government. The Alabama State Legislature, however, attempted to correct this abuse and passed a law forbidding the issue of circulating notes by corporations in December 1861 ¹.

The war tax imposed upon Alabama citizens amounted to more than two million dollars. A similar amount had been borrowed from the banks upon condition that they suspend specie payments. This amount was transferred to the Confederate treasury. The loan was not to be collected in the form of immediate taxes because the financial con-

1. *Act. Ala. Legislature*, Dec. 9 1861.

dition of the people was in such a bad condition that it was to be deferred to the taxation of some future date ¹.

As the result of the paper money policy and also as a result of the impressment of goods for the army, business and the normal exchange of commodities was greatly hampered. Fewer supplies were brought to the market in the fear that they would be forcibly taken by the government authorities at a lesser price than the general public would be willing to give. The lack of sufficient transportation also hindered the interchange of commodities. The railroads were used in a large measure for military purposes and the shortage of man power tended to destroy normal trade. As a result of these deranged conditions the people of the cities suffered from the want of food while there was actually large quantities in some sections which went to waste because of lack of transportation, impressment and the valueless currency. Complaints were often made against the farmers who were said to be withholding the food stuffs for exorbitant prices. All merchants and every one who had goods to sell came in for a share of the abuse which the general public was free to give. The patriotic spirit of the people was invoked against what they considered to be the greed and avarice of the day,

1. O. R. Ser. IV, pp. 697-744; *Ala. Acts.* nov. 27, Dec. 9, 1861; Feb. 20, 1863; *Ala. Joint Resolution*, Dec. 8, 1862.

while the Governor issued a proclamation against speculation ¹.

As a matter of fact, however, the State had always been accustomed to rely on import for all necessary articles with the exception of food, and so entirely had the man-power of the State been mobilized in the army that a sufficient production was practically impossible to obtain. The currency which was already redundant was made more worthless by the unavoidable shortage of commodities.

In 1863 nearly three times as many bonds were issued for the poor families, as for military defense. In the following years \$ 7,000,000 was appropriated for the needy families of soldiers and an unlimited issue of bonds and notes was authorized ². Notwithstanding the great issues of treasury notes and the great increase in bank notes there were constant complaints of the scarcity of currency both in the State and in the Confederacy in general, and demands for more money were heard from the beginning to the end of the war. These demands increased with the redundancy of the currency. The lack of supplies was considered by many to be caused by a shortage of money. The simplest and most necessary articles were constantly increasing in price and there was the feeling that more Government note issues should be forthcoming to meet this

1. O. R. ser. IV, Vol, I, pp. 701-2, *Message of Gov.* Oct. 1861.

2. Acts of the General Assembly, Oct. Dec. 13, 1864.

shortage. This pressure could not be easily resisted by either the State or Central Governments.

Enormous issues of paper money both in Richmond and Montgomery had so inflated the currency ¹ in 1863 that the Alabama legislature passed a resolution that they would submit willingly to any reasonable tax proposed by the Confederate Government for the purpose of improving and standardizing the currency ². But no law could be passed to improve the value of the notes. The blockade, the destruction of normal trade and the military disasters defied the acts of the legislature and of the general Government.

Speculation in bonds had done some damage, so the legislature levied a tax of thirty-seven and one-half per cent on bonds which had not been bought direct from the State or Confederate Government ³.

In a desperate effort to preserve the credit of the State, Governor Watts shipped through the blockade, at Mobile, the interest necessary to be paid on the State bonds held in London ⁴. Confederate money, however, continued to depreciate in value and on November 18, 1864, one Confederate dollar was worth only five cents when reckoned on a gold basis ⁵.

1. Thomas H. Clark, *Memorial Record of Alabama* vol. I, Finance and Banking, p. 341.

2. Resolution of the General Assembly, Dec. 8, 1863.

3. Acts of the General Assembly, Dec. 8, 1863.

4. Clark, p. 341.

5. Miller, p. 245.

During the war the constitutionality of a law making Government notes a legal tender in payment of all debts was never satisfactorily settled in the South. Here were to be found strict constructionist views and the adoption of a legal tender law was accordingly never passed by the Confederate Congress. The clause in the Confederate Constitution relative to legal tender reads, « The Congress shall have power to lay and collect taxes, duties, imposts and excises, for revenue necessary to pay the debts, provide for the common defense and carry on the Government of the Confederate States »¹. The Confederate Congress during the stress of war even insisted both on the unconstitutionality and the futility of adopting the legal tender policy. The State legislatures were not, however, restrained by the Confederate constitution and went to great length in passing legal tender laws. Alabama passed a law making debts contracted payable in Confederate notes and had provided that a judgement debtor could force his creditor to accept an offer of payment in current banknotes, in bonds or treasury notes of the Confederate States at their face value². While the Constitution of the Confederate States forbade the states to make anything but gold or silver a legal tender and to pass any law impairing the obligation of

1. Conf. Const. Art. I, sec. 8.

2. Act of Legislature, Dec. 10. 1861.

contracts, still it permitted the issue of bills of credit. The clause in reference to legal tender was violated by several legislatures. This violation was, however, the natural result of the individualist tendencies of the several states and the lack of a Confederate Supreme Court.

The direct attempt through legislation to force unwilling sellers and creditors to accept payment in paper money was supplemented in different ways. A meeting of citizens in Mobile County was called for the purpose of forming an organization which would discountenance those who refused Confederate notes. As well as being a patriotic move there was the economic necessity that trade must be unhampered by the only real medium of exchange to be found at the time in the country. The legal tender laws and organized threats did not, however, give value to the currency. People reverted to a large extent to barter as the soundest method of trade and notes were used more for speculation. The State Government, however, did all that legislation could attempt by the law of December, 10, to make the currency valid by permitting the debtor to pay his obligations in depreciated notes.

The State operated upon the resources gained by a very exhaustive system of taxation. Each State was made a tax division with a state collector to supervise the levy. The assessment of the taxes was delayed by various causes and the collection

did not properly begin until the end of 1863. Up to April 1864 Alabama had contributed nine and one half millions of dollars to the Confederate treasury¹.

Besides this large amount of money Alabama had contributed an immense amount of produce under the tax-in-kind system. It is, however, impossible to estimate with certainty the amount. The value of money was so inconsiderable that the tax-in-kind had to be instituted. Taxation was carried on very exhaustively, still the patriotic spirit of the people responded heartily². The rich agricultural classes and the slave owners bore the burden of taxation. The people which suffered the most were the salaried or wage earning classes. The rapid decline in the value of the currency left then without the sufficient means of livelihood. While wages were raised from time to time this was never done sufficiently to permit a fair living. The soldiers in the field suffered to an even greater extent than did the civilians. The Confederate Congress on May 6, 1864 fixed the pay of a private at eleven dollars a month. This small amount caused so much complaint that the Confederate House of Representatives passed a bill in April 1863 to increase the amount to fifteen dollars a month. No legislation was effected, however, until June 9 1864 when the amount was fixed at eighteen dollars.

1. Conf. Archives, Register to Memminger, and T. Allen to Memminger, April 29 1864.

2. Miller, p. 190.

The financial policy of Alabama during the war was commenced on a sound basis, namely, the policy of getting the gold supply of the State into the treasury through bonds sold to the several banks, which in turn issued bills on these bonds which were recognized by the State as having face value since they were accepted as taxes. The difficulty of maintaining the paper money at face value arose from two causes, the first was that the export of cotton which was the State's principal means of obtaining gold and supplies from abroad was cut off by the blockade, the second was the State's inability to hold the supply of gold that she had obtained from the several banks. This specie held by the State had to be constantly exported in order to obtain the necessary supplies for prosecuting the war and to assist in supporting the Richmond Government. The two essentials upon which a paper money policy could have rested were a gold reserve or the exportation of agricultural products. Both of these sources being destroyed we find in turn the failure of a sound paper money regime in the State. The Secession Convention while giving the Legislature almost unlimited power to issue bonds was not so generous in allowing it to borrow money. The historical policy of the South had been for an economical administration in all departments of the Government. While the southern country was rich in slaves and productive lands and bid fair to become one of the richest agricultural centers of the

world, it was still debtor to other parts of the world and as such found a resentment in taxation. Their policy was always opposed to the government's spending money for internal improvements or effecting any legislation that would interfere with the free exchange of commodities. The Secession Convention in attempting to restrict the legislature from borrowing money by making a two thirds vote necessary was maintaining the historical policy of the Southern States. This policy of economy, however, the legislature found impossible to follow as the inflation became greater, notes and bonds were issued and money was borrowed.

The chief financial error of the State lies in the fact that a severe taxation was not undertaken during the early part of the war. The policy at first pursued was one of bonds and notes rather than an exhaustive system of taxation. This policy of paper money would perhaps have been successful had the port of Mobile not been effectively blockaded so as to make the export of cotton almost impossible. Later in the war taxation was exercised in an exhaustive manner but could not save the finances of the State. In fact the handling of the finances under the existing conditions could not have been successfully accomplished for three reasons, the blockade, invasion, and the destruction of trade. An error committed in common by both the State and Confederate Governments was in

permitting too many kinds of paper money as well as too frequent issues.

The patriotism of the people was put to the utmost test. There was a general consent to bear the burdens of the war. Politicians were not elected to office on a program which aimed at tax reduction or the cutting of expenses. The leaders of the State sought to cooperate with the central Government in all methods to improve the currency.

The State was peculiarly autonomic in all that regarded its financial policy. While the Richmond Government pursued a rigorous policy of centralization in its military efforts and had gained the name of being very despotic, still the several states were left a great amount of freedom in methods of taxation, and the Central Government did not attempt to restrict their financial policies. The finances of the South would have been better maintained could the Central Government have assumed a more forceful policy by inaugurating a centralized and equalized system of taxation and by forbidding the numerous issues of paper money. In any case, during the blockade paper money would have lost in value, but by a more thoroughly centralized system, speculation and great fluctuations in prices would have been curtailed to a greater extent. But the Central Government had constantly been reproached by the state governments because of its despotic exercise of power and had it attempted a

more arbitrary control of financial power it is just to believe that the several states would have cooperated less than they did under the rather loose financial system.

CHAPTER VIII

The Peace Movement.

Perhaps never before had people gone to war with more enthusiasm than the people of the Black-Belt of Alabama. This section of the State has always been noted for its wealth and culture. It furnished many of the political leaders which moulded the sentiments of the State.

A part of Northern Alabama was strongly anti-secession, having a poor population with few sympathies with the people of the Black Belt. The section of southeast Alabama near Georgia and Florida, too, had nothing in common with the Black Belt. Its inhabitants were small farmers on poor land, with a very meager education. In politics they were dominated by leaders from other sections of the State. These two sections of the State, north Alabama and southeast Alabama, showed some disloyalty as the war advanced.

Three classes of people formed, on a disorganized scale, what might be termed a « Peace Party »

in Alabama. The first might be said to be those who desired to end the war on terms favorable to the South, who thought that further fighting was unnecessary or who were never thoroughly in sympathy with the Confederacy because of its legal and constitutional view. Their disagreement, however, with the Confederate authorities did not carry them to the extremity of desiring reunion. The great majority wanted independence and showed by their efforts that they were willing to make any sacrifice to obtain their desire. The second group were deserters, together with some who had scruples against the war or who were disgruntled for various reasons. This class was large in number and anarchistic in type. The third class, and the boldest, was the Unionists or Tories. They were not necessarily friendly to the Union, but were merely opposed to the war. Had north Alabama and southeast Alabama been linked together so that the Unionists of these sections could have united, the result might have proved fatal to the integrity of the State.

Twenty-four Cooperationists, mostly from the hill counties of north Alabama had refused to sign the ordinance of secession, though they expressed their intention of giving the State their full support. This, for the most part, they did, but the greatest number of desertions and the greatest disaffection is to be found in north Alabama. This section of the State was itself divided in sentiment. The peo-

ple of the Tennessee Valley were more like the people of the blackbelt and hence were the loyal southern type, while the people of the hill and mountain counties were more like the people of east Tennessee. They were the least cultured people in Alabama and had no real influence on the State's politics before the war, but during the war they were very successful in evading the conscript officers and in deserting. They were known as « Tories » and the loyal southerners of Alabama were preyed upon by them in the worst days of the war.

The element in the hill counties was large enough to have done great harm to the State had they ever developed a political leadership. The point for which they had held out in a most determined way was for popular ratification of the ordinance of secession. This opposition arose from the sectional differences within the State. The people of the hill section were uneducated and resentful of the classes of the more prosperous regions. They desired to remain quietly in their hill homes and were harmless except when an outsider or an enrolling officer attempted to interfere with their local affairs ¹.

The invasion of the Tennessee Valley was a great shock to the political integrity of Alabama. The economic strain of the war, conscription and invasion served to bring on a serious crisis. In June, 1862, Governor Shorter reported such dissatisfac-

1. Fleming, p. 114.

tion in several of the northern counties ¹. And in December of the same year, he announced that great opposition to the conscript law was found in Randolph County. This opposition was so great that Colonel Hannon was sent with a regiment to suppress the disloyalists ². It was later reported to the secretary of war that there were as many as from eight to ten thousand deserters and Tories in north Alabama ³.

Lieut. Commander Phelps of the U. S. Navy declared that he met with proofs of the greatest loyalty to the Union in North Alabama. He was told by some of the inhabitants that there were many Unionists among them but that a « Reign of Terror makes us afraid of our shadows ». Some of the inhabitants urged the Federal authorities to bring them a small organized force with arms and ammunition that they might maintain their position and put down the rebellion in their midst. This was, however, the report of the minority and seemingly a group that had never desired to fight for the Union and who were very probably on this occasion speaking to gain favour, since on the approach of the Federals it was a fact that entire communities had fled to the woods for refuge ⁴.

It was further discovered that serious dissatisfac-

1. *O. R. Ser. IV, Vol. I, p. 1149.*

2. *O. R. Ser. IV, Vol. II, p. 258.*

3. *O. R. Ser. IV, Vol. II, pp. 819-821.*

4. *O. R. Ser. I, Vol. VII, p. 155-6.*

tion existed in some of the counties. A convention had been held in the corner of Winston, Fayette and Marion counties in which the citizens had declared for neutrality ¹. There seems to have been no Union effort but simply a dislike for the war for which the people were convinced there was no need. Their economic position, being without slaves and being a people who loved freedom by nature, they could see no reason why they should be forced into a conflict that could give them no advantages ².

These conventions can hardly be said to have been Union in sentiment. It was a move of dissatisfaction on the part of the people for local government and for peace. The official statistics give only 2,576 white enlistments in the Union army from the State of Alabama ³.

The population of southeast Alabama was of the same political color as that of the hill counties of the northern part of the State. They suffered no invasion but their dissatisfaction with the war took the form of desertion and outlawry. In 1863, Governor Shorter wrote to President Davis that southeast Alabama had sent nearly all of her loyal population to the Confederate army and was now being preyed upon by Tories and deserters ⁴. Such

1. *O. R. Ser.* IV, Vol. X, p. 431.

2. To Asst. Adjt. Gen. from. R. B. Johnston, *Ser. I.*, Vol. X, Part II, p. 431.

3. *Confederate Military History*, vol. XII, p. 502.

4. Fleming, p. 423.

information reached soldiers in the field who felt constrained to come home to protect their families, hence the number of desertions increased. The Alabama legislature in an attempt to get the deserters to return to the army promised them the most lenient treatment. When Davis sent his message to Congress at the opening of the Session of 1864, the desperate plight of the Middle Gulf country was at once a warning and a menace to the Government. Alabama was a debateable land and if such conditions should extend eastward there would be little doubt but that the Confederate Government would speedily be confronted with failure. In order that he might remedy the situation west of the main Confederate line and to prevent the growth of a similar situation east of it, the President urged Congress to revive the Statute permitting martial law and the suspension of the writ of habeas corpus. He announced to Congress that in certain parts of the Confederacy « public meetings have been held in some of which a treasonable design is masked by a pretence of devotion to State sovereignty and in others is openly avowed. A strong suspicion is entertained that secret leagues and Associations are being formed. In certain localities men of no mean position do not hesitate to avow their disloyalty and hostility to our cause and their advocacy of peace on the terms of submission and the abolition of slavery ».

This suspicion on the part of the Confederate

Government that it was being opposed by secret Societies was more or less well founded. Although this treasonable opposition to the Central Government never reached any considerable proportion in the Confederacy as a whole, still there were certain sections from which all the loyal men had gone to the Army and where the few disloyal ones who remained definitely sought to end the war. The Press of the South was never censored, and the Confederate Government was at all times open to criticism and even condemnation, but this took the form of a difference in opinion in the prosecution of the war rather than any treasonable move. The bureau of conscription presented a report from its Alabama branch relative to a « sworn secret organisation known to exist and believed to have for its object the encouragement of desertion, the protection of deserters from arrest, resistance to conscription and perhaps other designs of a still more dangerous character ». The shifting of the votes in elections from men supporting the most vigorous campaign for independence to men of more feeble quality was attributed to this cause. Certain candidates who favored the vigorous attitude of the Government had been defeated by new men unknown to the political world ¹. In the course of the year 1864 new evidence was collected by the Secret Service which satisfied them of the existence of a

1. Stephenson, 420.

mysterious and nameless Society which had branches throughout Alabama and Tennessee. It is impossible because of the great secrecy of the movement to determine what class of political thinkers formed the backbone of this organisation. There were however many men from North Alabama who never approved Secession but the majority had gone to war and bore good records of service to the Confederate cause. It is possible to believe, however, that there was a minority who had never become reconciled to the Secession or the war and who took upon themselves the task of opposition to the Confederate Government, while they never gave their military support to the Union.

In 1863 it was estimated that there were still 8,000 to 10,000 deserters in North Alabama¹. The disastrous results of Vicksburg and Gettysburg further helped to chill the ardour of the people. A friend of the Secretary of War wrote him from Mobile « We are without doubt gone up »². The number of deserters in the State continued to increase when the cause looked more and more hopeless³.

There was never any substantial peace party in Alabama but the reverses of 1863 were enough to chill the spirits of any people. The legislature feeling this depression attempted to spur the people on to new courage. They declared that never

1. O. R. Ser. IV, Vol. II, p. 742.

2. O. R. Ser. IV, Vol. II, p. 664.

3. O. R. Ser. IV, Vol. II, p. 727.

would Alabama submit to the abolitionist will, that the recent reverses were misfortunes due to no lack of heroism. They further urged the people to the greatest struggles and self sacrifice that their righteous cause might be won¹.

Dissatisfaction was even found in the better circles. Some educated people were angered because the Confederate administration seemed to be strangling State sovereignty, and many people became irritated at what they termed the maladministration of affairs. The serious questions of the day : invasion, economic disaster and financial troubles, lead to the formation of secret or semi-secret peace societies.

The election of 1863 showed signs of a peace party. It is true that the best blood of the State was on the battlefield and the types who remained at home were, to an extent, weaklings. The elections to Congress and the legislature showed a weaker tone. Robert Jemison, a former cooperationist, had succeeded Yancey in the Senate. Certain politically unknown men had been elected to the legislature. Some of them had been elected by secret orders whose purpose was protection of deserters and resistance to conscript laws. The elections had been greatly colored by the votes of stragglers and deserters from the Vicksburg soldiers².

1. Acts. of called Session and third Regular Session 1863, p. 52.

2. O. R. Vol. II, p. 726 ; Brewer, pp. 286-7.

Thomas Hill Watts was elected governor by a big majority. It is probable that Shorter was defeated because he had pursued such a vigorous war policy. But those who voted for Watts because of peace sentiments had their ideas quickly dispelled by his vigorous message to the legislature in which he said, « He who is now... in favor of reconstruction with the states under Lincoln's dominion is a traitor in his heart to the State... and deserves a traitor's doom... let us prefer death to a life of cowardly shame »¹. In a public letter soon after his election he uttered a defiance of « Yankeeedom and said that rather than unite with the Puritanic race who had yielded to « folly, wickedness and vandalism » he would see the Confederacy « devastated with fire and sword »². However at this same election J. L. M. Curry was defeated in his race for Congress by the opposition shown to the peace party. Curry had been closely associated with the Administration and advocated a determined prosecution of the war, and stood for Southern principles of the most pronounced kind³. Colonel Straight a Federal Commander, declared that he found himself in the midst of devoted « Union people » in the Northern part of the State⁴. These

1. Fleming, p. 135.

2. *Appleton's Annual Cyclopaedia*, 1863, p. 7; Du Bose, *Yancey*, p. 645.

3. *O. R. Ser. IV*, Vol. II, p. 726.

4. *Ibid.*, IV, Vol. XVIII, Part I, p. 287.

Union men were either too few in number or lacked the courage ever to form any party organisation as they never put forward candidates either for State or Confederate offices.

While Watts was a man of the greatest patriotism and showed determination to carry on a successful war, he had difficulties with the Confederate Government in which he stood firmly for State Rights¹. In these times of great excitement he held the reins with firmness and dignity and gave for the times a general satisfaction².

It was discovered in 1863 that there existed a secret society which operated between the lines in Alabama and Tennessee. This information was obtained by the provost marshals department³. The purpose of this organization was to foster desertion. It was very secret and was carried on by a system of signs. Their line of communication extended as far south as Tallapoosa county. Some Confederate officers were probably connected with this movement.

A portion of the disaffected minority organised themselves into Secret Societies and one of these, which had a large membership in the Midland Eastern Counties of the State was exposed in the spring of 1864. The general name of the organisation was

1. *Ibid.*, Ser. IV, Vol. II, pp. 37, 463, 466, 817, 820.

2. John B. Little, *History of Butler County, Alabama*.

3. W. L. Fleming, *Peace Movement in Alabama*, *South Atlantic Quarterly*, July, 1903.

the « Peace Society ». It had signs, degrees, passwords and grips. Its members were bound by a Solemn oath and any betrayal of its secrets was punished by a severe penalty. Its professed object was peace and there seems to be no cue to any evidence that its members were very Unionist in tendency or were willing to undergo any sacrifice for the Federal cause. It took no open part in elections, but often succeeded by under hand means to secure places of public trust. It was considered that the influence of this Peace Society was the principal reason why J. L. M. Curry was defeated for Congress. Its objects were despicable ; it encouraged desertion, resistance to conscription and protected deserters from arrest. There were found among its members some officers and soldiers from General Bragg's Army who maintained that the purposes of the Society were not treasonable. Seventy of these men were sent to Mobile for trial but none of them were shot ¹.

This Society afforded nothing in the way of assistance to the efforts of the Union Armies. The Confederate Government was, however, disturbed by its existence. The most effective means of repression lay in the suspension of the writ of habeas corpus which might enable the President to proclaim martial law when necessary and to secure the arrest and detention of all suspect persons.

1. *O. R.* Vol. XXXIV, Part II, p. 588 ; Ser. IV, Vol. II, p. 726 ; Vol. III, p. 393.

It was discovered that a secret organization existed in Randolph county whose plan was to overthrow the Confederate Government by refusing support and making all obstructions possible. The desire of this organization was only for peace. There was no love of the Union shown in any of their transactions ¹.

In 1864 a peace proposition found supporters in the Alabama legislature. It was believed that a Democratic success in the North might bring a favorable peace. But the times were too heated for discussion of peace and the governor sent a message to the legislature asking, « Who would desire a political union with those who have murdered our sons, outraged our women... destroyed our property and now seek to make slaves of us ? » ² After this message the resolution proposing reconstruction was overwhelmingly lost but the whole affair showed that there were the elements of a peace party in existence ³.

The Union League had been organized in the northern part of the State when this section was under the dominance of the Northern Armies and before the end of the war the League found supporters in Athens, Huntsville, Florence, and other towns. While its activities were more wide-spread after the close of the war, at this period it al-

1. O. R. Ser. IV, Vol. III, pp. 396-7.

2. Fleming, p. 435, Mc Pherson, *Rebellion*, pp. 419-421.

3. *Confederate Military History*, Vol. I, pp. 505, 537.

ready had some influence on the peace movement ¹.

The leaders of the Confederacy had realized that the morale of the people was on the decline. In 1864 Davis, Stephens, and other leaders made speeches of resolute resistance. The debates in the various state legislatures had caused the Confederate administration some embarrassment. And the resolution introduced into the Alabama legislature declaring that if the Democratic party in the North was successful, there would be a willingness for peace according to the terms set forth in the platform adopted by the Chicago convention, had been most unsatisfactory to the Confederate administration ².

In January 1864, the conditions in north Alabama were such as to call forth an appeal to the Confederate War Department from the Congressional delegation of the State, asking for protection. The appeal stated that « Again if the enemy should be permitted to take possession of the country south of the Tennessee river, he will not find it difficult to extend his line to the Warrior and perhaps to the Alabama river, without meeting with any serious opposition, but would on the contrary receive great encouragement in the mountain region in our State, where there is unfortunately in some parts a disaffected population ³ ».

1. W. L. Fleming, *Union League in Alabama*, *Gulf States Historical Magazine*, Sept., 1903, pp. 74-6.

2. *Confederate Military History*, Vol. I, p. 534.

3. *Confederate Military History*, Vol. VII. pp. 41-2.

The beginning of 1865 found the conditions in the State very gloomy and we would naturally expect after years of warfare and economic struggle to find a substantial peace movement but such, however, was not the case. The peace society was not positive or bold in its movements; it lacked effective leadership and never had a following of substantial people. The most bold and open move ever made, with the exception of the discussions in the legislature, was when Governor Watts was approached and urged to take steps to save the State from further suffering¹.

Secret communications, however, continued with a view to overthrowing the State Government and bringing Alabama back into the Union². The peace party had hoped to gain the August elections and elect J. C. Bradley, of Huntsville, or M. J. Bulger, of Tallapoosa county, in which case a revolutionary stroke would be made and the new administration would take charge at once without waiting for the November inaugurations³.

1865 found the loyal men in the Army. The test of their loyalty had been their length of service, and those who had returned home formed an aggregation of deserters, disloyalists, and malcontents, so it can be stated that probably the elections of 1865

1. *O. R.*, Ser. I, Vol. XLIX, pt. 4, p. 592.

2. *Ibid.*, Ser. 4, Vol. XLIX, pt. II, pp. 590-92.

3. *New York Herald*, Nov. 29, 1864; *New York Times*, Feb. 40, 1865; *Boston Journal*, Nov. 15, 1864.

would have shown a greater peace strength than any other elections held under the Confederacy,

After the surrender of General Lee the situation became very critical in Alabama. Truces were general and on all sides it was recognized that the cause was lost. The peace party showed a lack of energy, either from personal fear of the returning soldiers or because of the evidence of an early peace.

It can be positively stated that the leaders of the peace movement in Alabama were not men of the courage of high conviction. They showed little boldness except in subterfuge and their subterranean efforts had little if any effect on the destinies of the Confederacy.

CHAPTER IX

Conclusion.

The political theory which had developed in Alabama prior to the War of Secession was based essentially on States Rights and local self-government. The people of the State were strongly individualistic in their tendencies and were opposed to all interference by the General Government in their internal affairs. The political thought of the time maintained that the authority of the Washington government was expressly limited by the Constitution and that any assumption of powers beyond these limitations was an infringement upon the sovereign rights of the State. The development of such an opinion was enhanced by two factors, the first was that the State was composed of agricultural communities so organized that they had a large share of autonomy in their own government. The second was that the economic questions of slavery and the tariff were of such importance to the State that in the later years preceding the war a

strong sentiment was developed which had for its purpose the protection of the institution of slavery.

During the early years of the States existence, however, there was a strong movement against the institution of slavery and an effort towards emancipation in the highest circles within the State. As Alabama developed, however, slavery became to be considered as an economic necessity, and all efforts which were made by the Central Government to restrict its expansion were met by the State's representatives with a decided opposition. The propaganda of the Abolitionist party and of the various emancipation societies at the North caused the people of the State to become very sensitive, and there developed a very hostile sectional antagonism.

There were two main political factions in the State, the Conservatives and the Secessionists. The latter had the greater amount of class consciousness and produced the greater leaders. The Conservatives though having perhaps the larger following were never able to organize effectively and never appealed to the popular imagination as did the Secessionists.

No political faction in Alabama doubted the legal right of the State to secede and it was almost unanimously agreed in both the Legislature and the State Convention that some definite action should be taken by the State because of the election of a Republican President. The radical element decided

that the State should secede from the Union, while the Conservatives failed to outline any plan of definite or comprehensive action. In its efforts to withdraw the State from the Union the Radical element had the support of the State's political machinery as well as the support of the press. It was with such forces that this party withdrew the State from the Union by a very small majority.

The question of secession was never presented to the State for a popular vote. The historical precedent for this was to be found in the methods of 1787. The whole country then in adopting the new government had acted through conventions as sovereign bodies. The Constitution had not been submitted to the vote of the people but had been passed on by the various elected conventions which assumed sovereign rights. As each separate state acted then so Alabama acted in January 1861. The Conservatives of the Secession Convention maintained, however, that the question should be submitted to a vote of the people, but the Secessionists seem not to have been sufficiently sure of their position and by only a small majority it was voted not to submit the question for ratification by the people.

In uniting her political fortunes with the Confederate States it was not the intention of Alabama to give up her sovereign rights, and while she was a member of the Southern Confederacy she found frequent occasions to protest against the aggressions of the Central Government. The State always sought

for political freedom both under the United States and the Confederate States governments. Her individuality was of greater consequence than any confederation, and while the spirit of nationalism had not developed when she was a member of the Union so it did not develop when she became a member of the Confederation. The State gave to the Confederacy practically all of her man-power and resources for the purpose of gaining her independence from the United States. There was however a strong sentiment against the Confederate Government because of its exercise of despotic powers. This was occasioned by the necessary centralization to carry on a great war. The State showed, however, a great desire to cooperate with the Central Government and the difficulties between the two governments lay rather in methods of pursuit than in vital differences.

While there were some disaffected and disloyal citizens, still there was a general patriotic move of nearly the entire State to establish her independence. There was little love for the Union as evidenced by the fact that there were so few enlistments in the Union army. The peace party in Alabama was at all times small and there were no open efforts to end the war until the State had been entirely crushed by superior military forces.

After the defeat of the Confederate armies the State returned to the Union without waging any guerrilla war. The decision of arms was accepted

with very little bitterness if we consider the great efforts made by the State in the attempt to gain her independence. The constitutional amendment abolishing slavery was adopted and within a generation Alabama seemed satisfied with her position in the Union and all thought of secession had passed away.

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Le Doyen de la Faculté des Lettres de l'Université de Paris :

Ferd. BRUNOT.

Vu et permis d'imprimer,

Le Recteur de l'Académie de Paris,

P. APPELL.

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